of Senate bill 265; to the Committee on Interstate and Foreign Commerce.

224. Also, petition of residents of Knox County, Ill., in support of Senate bill 265; to the Committee on Interstate and Foreign Commerce.

225. Also, petition of Parent-Teacher Association, of Bryant, Ill., in support of continuing appropriations for school lunches; to the Committee on Education and Labor.

226. By Mr. MILLER of California: Petition of the City Council of the City of Antioch, Calif., requesting defeat of any measures which might interfere with the basic democratic rights of the people of this Nation; to the Committee on the Judiciary.

227. By Mr. JOHNSON of Illinois: Petition of Western Veterans Association of the Western Illinois State Teachers College, of Macomb, Ill., requesting that the Congress adopt such legislation as will increase the payments of Public Laws 346 and 16, as presently amended, by $35 monthly with $10 additional for each dependent child; to the Committee on Veterans' Affairs.

228. By Mr. NORBLAD: Petition signed by Mrs. Mathilda E. Nelson and 47 other citizens of Marion County, Oreg., urging enactment of the Capper bill, S. 265, to prohibit the transportation in interstate commerce of advertisements of alcoholic beverages; to the Committee on Interstate and Foreign Commerce.

229. Also, petition signed by Mrs. Ralph Timm and 40 other citizens of Yamhill County, Oreg., urging enactment of the Capper bill, S. 265, to prohibit the transportation in interstate commerce of advertisements of alcoholic beverages; to the Committee on Interstate and Foreign Commerce

230. By Mr. PRICE of Illinois: Petition transmitted by Mr. Robert Buhl in behalf of Local Union No. 3, Progressive Mine Workers of America, at Collinsville, Ill., petitioning Congress to make revision upward in the benefits of social-security annuitants, and for the reduction in the age requirement from 65 to 60; to the Committee on Ways and Means.

231. Also, petition transmitted by Mr. Gus Herpin, recording secretary, in behalf of Local Union No. 43, Progressive Mine Workers of America, at Lenzburg, Ill., petitioning Congress to make revision upward in the benefits of social-security annuitants, and for the reduction in the age requirement from 65 to 60; to the Committee on Ways and Means.

232. Also, petition transmitted by Mr. Roy Wuest in behalf of Local Union No. 48, Progressive Mine Workers of America, at Freeburg, Ill., petitioning Congress to make revision upward in the benefits of social-security annuitants, and for the reduction in the age requirement from 65 to 60; to the Committee on Ways and Means.

233. Also, petition transmitted by Mr. Fred Herzing in behalf of Local Union No. 80, Progressive Mine Workers of America, at Glen Carbon, Ill., petitioning Congress to make revision upward in the benefits of social-security annuitants, and for the reduction in the age requirement from 65 to 60; to the Committee on Ways and Means.

234. By Mrs. SMITH of Maine: Resolution urging a full congressional investigation of the Czechoslovak question, submitted by George J. Chernenak, president, and John Shinay, secretary, Assembly 31, Slovak Catholic Sokol Organization, Madison, Maine; to the Committee on Foreign Affairs.

235. By Mr. TOWE: Petition of St. Francis of Assisi Post No. 664, Catholic War Veterans, Wood-Ridge, N. J., protesting the cruel and inhuman treatment accorded Archbishop Stepinac and asking for a full investigation of the entire situation in Yugoslavia; to the Committee on Foreign Affairs.

236. By Mr. WELCH: California Assembly Joint Resolution No. 1, relative to centralized purchasing for Navy ships service stores; to the Committee on Armed Services.

237. By the SPEAKER: Petition of Miss Estelle M. Dinnis, and others, of Washington, D. C., petitioning consideration of their resolution with reference to opposition to the 1-cent increase in the local gasoline tax; to the Committee on the District of Columbia.

SENATE

FRIDAY, MARCH 21, 1947

(Legislative day of Wednesday, February 19, 1947)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Peter Marshall, D. D., offered the following prayer:

O Lord our God, in the midst of the troubles that surround us, when compromises come home to roost and expediencies return to plague us, keep us from adding to the mistakes of the past. Save us from accepting a little of what we know to be wrong in order to get a little of what we imagine to be right. Help us to stand up for the inalienable rights of mankind and the principles of democratic government consistently and with ccurage, knowing that Thy power and Thy blessing will be upon us only when we are in the right. May we so speak, and vote, and live, as to merit Thy blessing. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. WHITE, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 20, 1947, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1366. An act to facilitate procurement of supplies and services by the War and Navy Departments, and for other purposes; and

H. R. 2413. An act to amend the Federal Reserve Act, and for other purposes.

INTERPARLIAMENTARY UNION — ANNOUNCEMENT OF MEETING OF AMERICAN GROUP

Mr. BARKLEY. Mr. President, may I ask the Senate's indulgence for just a moment to make an announcement. Many Senators are familiar with the fact that the Interparliamentary Union, which is an international organization of members of the various parliaments of the world, has been in existence and has had an honorable record for more than 50 years. They have customarily held an annual conference at some place selected, usually at one of the capitals of the world. There has been no such general conference since 1939, prior to the outbreak of World War II.

As president of the American group of this international conference, I am calling a meeting tomorrow at 10 o'clock in my room here, off the Senate Chamber, at which I should be happy if all Senators interested in the matter could attend. A similar announcement has been made in the House of Representatives by Chairman EATON, of the House Committee on Foreign Affairs, and, inasmuch as the organization has been dormant necessarily on account of the war, it is desirable that all Senators and Representatives who are interested in the organization may attend, if possible, and therefore I am taking advantage of this opportunity to make the announcement while there is a full attendance of the Senate.

MEETING OF COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. TAFT. Mr. President, I request the permission of the Senate for the Committee on Labor and Public Welfare to sit at 2 o'clock for a brief meeting.

The PRESIDENT pro tempore. Without objection, consent of the Senate is granted.

WORLD HEALTH ORGANIZATION — MESSAGE FROM THE PRESIDENT (H. DOC. NO. 177)

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations.

(For President's message, see today's proceedings of the House of Representatives on p. 2389.)

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

INTERIM REPORT ON EXPORTATION AND IMPORTATION OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

A letter from the Secretary of State, transmitting, pursuant to law, an interim report on the exportation and importation of arms, ammunition, and implements of war under licenses issued by the Secretary of State for the years 1941 to 1945, inclusive (with an accompanying report); to the Committee on Foreign Relations.

TRANSMISSION AND SALE OF ELECTRIC ENERGY GENERATED AT FORT PECK PROJECT, MONTANA

A letter from the Under Secretary of the Interior, transmitting, pursuant to law, financial statements and reports covering the transmission and sale of electric energy generated at the Fort Peck project, Montana, for the first, second, and third fiscal years of operation (with accompanying papers); to the Committee on Public Works.

AUDIT REPORT OF UNITED STATES HOUSING CORPORATION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of the United States Housing Corporation for the fiscal year ended June 30, 1945 (with an accompanying report); to the Committee on Expenditures in the Executive Departments.

OCTOBER 1946 REPORT OF RECONSTRUCTION FINANCE CORPORATION

A letter from the Chairman of the Reconstruction Finance Corporation, transmitting, pursuant to law, a report of that Corporation for the month of October 1946 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF LIBRARY OF CONGRESS PLANNING COMMITTEE

A letter from the Librarian of Congress, transmitting a report of the Library of Congress Planning Committee relating to the problem of the future of the Library of Congress (with an accompanying paper); to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of Indiana; to the Committee on Finance:

"Enrolled Senate Concurrent Resolution 7

"Concurrent resolution memorializing Congress concerning unemployment compensation and employment service

"Whereas the Congress of the United States did by the Social Security Act and the Wagner-Peyser Act attempt to establish a program of cooperation between the several States and the United States in the field of employment compensation and free employment service; and

"Whereas the departments entrusted with the administration of such programs on behalf of the Federal Government have consistently perverted the congressional will by converting such programs into programs of dictation and minute supervision of the States, by such Federal agencies, all founded upon their control of the funds provided by Congress for such purposes; and

"Whereas the existing program is unjustifiably expensive to both the United States and the States in that dual staffs are required for the purpose of collecting the pay-roll taxes by which these programs are financed and in that a large amount of the time and effort of the agencies of both the State and the United States is devoted to intergovernmental dealings; and

"Whereas it is essential that at this time governmental costs be reduced and governmental efficiency be increased: Now, therefore, be it

"Resolved by the Senate of the General Assembly of the State of Indiana (the House of Representatives concurring), That—

"1. It is hereby recommended to the Congress of the United States that legislation be enacted fixing certain definite minimum standards for State legislation and administration of unemployment compensation and employment service programs and that upon compliance by the State with such standards the taxpayers within such State who are liable for Federal unemployment tax be given full exemption therefrom.

"2. That it is hereby further recommended that any decision by any agency of the Federal Government in which it is determined that the State has not met such standards be fully reviewable in an appropriate court upon request of the State and that pending the determination of such appeal the State legislation be considered as having met such standards.

"3. That it is further recommended that the power of Federal administrative agencies to supplement congressional standards by rule or regulation be specifically denied.

"4. That a certified copy of this resolution be sent by the secretary of the senate to the Clerk of the House of Representatives and to the Secretary of the Senate of the Eightieth Congress and to each United States Senator and Representative from Indiana."

A cablegram from Nicolas Noguera Rivera, secretary-treasurer, San Juan, P. R., embodying a resolution adopted at the sixteenth convention of the Puerto Rico Free Federation of Workingmen State Branch, AFL, Arecibo, P. R., favoring clarification of the political status of Puerto Rico; to the Committee on Public Lands.

A cablegram from P. Rivera Martinez, president, and Nicolas Noguera Rivera, secretary, San Juan, P. R., embodying a resolution adopted at the sixteenth convention of the Puerto Rico Free Federation of Workingmen State Branch, AFL, Arecibo, P. R., favoring a thorough investigation of the privileged contract negotiated by the Commodity Credit Corporation with Cuban sugar producers; to the Committee on Banking and Currency.

A cablegram from P. Rivera Martinez, president, and Nicolas Noguera Rivera, secretary, San Juan, P. R., embodying a resolution adopted at the sixteenth convention of the Puerto Rico Free Federation of Workingmen State Branch, ALF, Arecibo, P. R., favoring an amendment to the Organic Act of Puerto Rico so as to permit the election of a governor at or before the next general elections in 1948; to the Committee on Public Lands.

By Mr. DWORSHAK:

A joint memorial of the Legislature of the State of Idaho; to the Committee on Agriculture and Forestry:

"Senate Joint Memorial 5

"A joint memorial to the President and the Congress of the United States to strengthen present sanitary requirements governing the importation of livestock and livestock products and to appropriate additional funds to the Bureau of Animal Industry, United States Department of Agriculture, in order that border inspection may be strengthened and a system of patrol established along the northern boundary of Mexico to guard against the importation of people, animals, and materials carrying the infection of foot-and-mouth disease, and also petitioning Congress to offer to the Government of the Republic of Mexico such facilities as may be available from the Bureau of Animal Industry, United States Department of Agriculture, and appropriating money to provide for such facilities and to extend aid to the Government of the Republic of Mexico in order that foot-and-mouth disease may be eradicated.

"We, your memorialists, the Senate and House of Representatives of the Twenty-ninth Legislature of the State of Idaho, do hereby respectfully represent that—

"Whereas foot-and-mouth disease now exists in livestock in the Republic of Mexico; and

"Whereas the disease has spread from the six original States involved in the vicinity of Mexico City as far west and north as the State of Zacatecas; and

"Whereas it is extremely doubtful if the Government of the Republic of Mexico can eradicate this disease from their livestock without additional assistance; and

"Whereas the presence of foot-and-mouth disease in the Republic of Mexico presents a very definite threat to the prosperity of the livestock industry and the entire economic welfare of the United States: Be it therefore

"Resolved by the Legislature of the State of Idaho, That we earnestly petition the Congress of the United States to strengthen the present sanitary requirements governing the importation of livestock and livestock products from Mexico and from other countries in which foot-and-mouth disease exists; be it further

"Resolved, That we earnestly petition Congress to appropriate additional funds to the Bureau of Animal Industry, United States Department of Agriculture, in order that border inspection may be strengthened and a system of patrol be established along the northern boundary of Mexico to guard against the importation of people, animals, and materials carrying the infection of foot-and-mouth disease; be it further

"Resolved, That we petition and urge the Congress of the United States to offer to the Government of the Republic of Mexico such facilities and assistance as may be available from the Bureau of Animal Industry, United States Department of Agriculture, and to appropriate funds to provide for this assistance and to provide direct financial aid to the Government of the Republic of Mexico in order that foot-and-mouth disease be eradicated from their livestock; be it further

"Resolved, That a copy of this joint memorial be forwarded by the secretary of state to the President of the United States and to the President pro tempore of the United States Senate, the Speaker of the House of Representatives, the Honorable Secretary of State, the Honorable Secretary of the United States Department of Agriculture, and to the Senators and Representatives in Congress from the State of Idaho with the request that they bring this matter forcibly to the attention of the Members of the Congress of the United States.

"This senate joint memorial passed the senate on the 27th day of February 1947.

"This senate joint memorial passed the house of representatives on the 5th day of March 1947."

(The PRESIDENT pro tempore laid before the Senate a joint memorial of the Legislature of the State of Idaho, identical with the foregoing, which was referred to the Committee on Agriculture and Forestry.)

By Mr. GREEN (for himself and Mr. MCGRATH):

A resolution of the General Assembly of the State of Rhode Island and Providence Plantations; to the Committee on Foreign Relations:

"Resolution commending the President of the United States of America for his forthright action in favor of aid to Greece and Turkey in order to permit the countries to be strong in their efforts to stem the tide of communism

"Whereas upon March 12, 1947, the President of the United States of America called on the Nation to devote money, materials, and military skill to halt the world march of communism, specifically requesting $400,000,000 to aid Greece and Turkey, the existence of which is threatened by terrorist activities of a militant minority spearheaded by Communists; and

"Whereas the President's address, an event of the first magnitude, calls unmistakably for action which will launch the United States on a new and positive foreign policy of worldwide responsibility for the maintenance of peace and order; and

"Whereas this is a matter of such significance that it transcends all political party lines, as evidenced by the immediate support of the President's action by the influential Senator ARTHUR H. VANDENBERG, Presiding Officer of the Senate and chairman of its Foreign Relations Committee, who made the statement:

" 'We cannot fail to back up the President at such an hour, even though many critical details remain to be settled in consultation with Congress': Now, therefore, be it

"Resolved, That the General Assembly of the State of Rhode Island and Providence Plantations now commends the President of the United States of America for his forthright action in favor of aid to Greece and Turkey, in order to permit the countries to be strong in their efforts to stem the tide of communism, since, as he said, 'Totalitarian regimes imposed on free peoples undermine the foundations of international peace and hence the security of the United States'; and be it further

"Resolved, That the Senators and Representatives from Rhode Island in the Congress of the United States be and they are earnestly requested to support the President

in his unfaltering enunciation of a new foreign policy; and the Secretary of State of Rhode Island is hereby authorized and directed to transmit to them and to the President of the United States of America duly certified copies of this resolution."

GUEST HOUSE AT VETERANS' HOSPITAL AT OTEEN, N. C.

Mr. HOEY. Mr. President, I ask unanimous consent to present a petition forwarded me by Richard M. Sherod, chairman, Oteen Veterans Committee for the Construction of a Guest House at the Veterans' Hospital, Oteen, N. C.

This petition is signed by a large number of veterans from the States of Alabama, Delaware, District of Columbia, Florida, Georgia, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, who are tubercular patients now receiving treatment at Oteen Hospital. Patients from 37 States and from Scotland and Canada are receiving treatment in this hospital at this time. A guest house is very greatly needed to accommodate members of the families who come to visit patients who are very ill. There are no present facilities in the community to accommodate relatives or visitors who go to Oteen to visit patients in the hospital.

I request that this petition be referred to the appropriate committee for consideration.

There being no objection, the petition was received and referred to the Committee on Labor and Public Welfare.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. TOBEY, from the Committee on Banking and Currency:

H. R. 2535. A bill to amend the Reconstruction Finance Corporation Act; without amendment; and

H. J. Res. 118. Joint resolution to strengthen the common defense by maintaining an adequate domestic rubber-producing industry; with amendments (Rept. No. 63).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BUTLER:

S. 959. A bill providing for contributions to States and local governmental units in lieu of taxes on real property held by the Federal Government; creating a commission to determine and pay such contributions; and for other purposes;

S. 960. A bill to authorize the Director of the United States Geological Survey to produce and sell copies of aerial or other photographs and mosaics, and photographic or photostatic reproductions of records, on a reimbursement of appropriations basis; to the Committee on Public Lands.

S. 961. A bill to provide for the payment of income taxes by the assignment of terminal leave bonds; to the Committee on Armed Services.

By Mr. McMAHON:

S. 962. A bill to provide that any unused portion of the German immigration quota shall be divided among the countries which were conquered and occupied by the German armed forces during World War II; to the Committee on the Judiciary.

By Mr. ECTON:

S. 963. A bill authorizing the Secretary of the Interior to issue a patent in fee to Henry Big Day and other heirs of Catherine Shield Chief, deceased, to certain lands on the Crow Indian Reservation;

S. 964. A bill to authorize the Secretary of the Interior to sell certain lands in the State of Montana to J. J. Baker; and

S. 965. A bill to authorize the Secretary of the Interior to sell certain lands in the State of Montana to Lloyd L. Baker; to the Committee on Public lands.

By Mr. BUCK (by request):

S. 966. A bill to authorize the establishment of the District Educational Agency for Surplus Property in the Municipal Government of the District of Columbia, and for other purposes;

S. 967. A bill to amend the act entitled "An act to prohibit the killing of wild birds and wild animals in the District of Columbia," approved June 30, 1906, so as to permit the killing of starlings; and

S. 968. A bill to authorize the Public Utilities Commission of the District of Columbia to limit the number of taxicabs licensed and operated in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. TAYLOR:

S. 969. A bill for the relief of Damian Arruti; to the Committee on the Judiciary.

By Mr. GREEN:

S. 970. A bill for the relief of Mr. and Mrs. Harold T. Prosser; to the Committee on the Judiciary.

(Mr. AIKEN introduced Senate bill 971, to amend title V of the act entitled "An act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended, to authorize the Federal Works Administrator to make grants to institutions of higher learning for the construction of educational facilities required in the education and training of war veterans, which was referred to the Committee on Labor and Public Welfare, and appears under a separate heading.)

(Mr. THOMAS of Oklahoma introduced Senate bill 972, to declare the policy of the United States with respect to hydroelectric power generated in connection with federally financed water development projects and to provide procedures for carrying out such policy, which was referred to the Committee on Public Works, and appears under a separate heading.)

(Mr. BALDWIN introduced Senate bill 973, to amend the Surplus Property Act of 1944, as amended, so as to provide for preference of disposal of civilian defense property to the States and local governmental units wherein such property was used, which was referred to the Committee on Armed Services, and appears under a separate heading.)

DISPOSAL OF CIVILIAN DEFENSE PROPERTY

Mr. BALDWIN. Mr. President, I ask unanimous consent to introduce a bill and have it appropriately referred; and in connection with the bill I should like to make a statement for the benefit of the RECORD.

The bill is a bill to amend the Surplus Property Act of 1944, as amended, so as to provide for preference of disposal of civilian defense property to the States and local governmental units wherein such property was used. It may very well be that it is too late to do anything about it. On the other hand, it is better late than never.

During the war years a great many civilians spent long hours and hard work in the civilian defense program, and I think they did it patriotically, loyally, and with great enthusiasm. In many cases and in many communities the work was done with marked ability.

During those years the Federal Government made available to the local Civilian Defense units certain items of fire-fighting equipment. They were small items, such as helmets and equipment of that nature. Such items were made available in great number.

At the close of the Civilian Defense program the communities were asked to collect such equipment and turn it back to the Federal Government. In my home town of Stratford we had an exceptionally active and exceptionally good civilian defense program. A large number of the people were active in the program during the war years and devoted hard work and great thought to it. Many of those people had some of the equipment referred to. They would have liked very much to keep the helmets and some of the other items as mementoes of their participation in the war as civilians. However, under the direction of the Government, the town authorities in Stratford collected the equipment and turned it over to the Federal Government.

I am advised by the general manager of our town of Stratford that all the equipment which was collected by the town and turned over to the Federal Government—and there was quite a substantial quantity of it—was sold to a private dealer by the Federal Government, through the War Assets Administration, I believe, for less than $50. The town would have been glad to buy it and leave it in the hands of the people, who would have liked very much to keep it. Nevertheless, that is what was done with it.

It seems to me that if all the material has not been collected, and there are people in some towns who would like to keep the equipment, such towns should have the first call on it and should have an opportunity to bid it in and buy it, at least for the price that the Federal Government may be able to get for it from a private dealer. This is the purpose of the bill which I am introducing.

There being no objection, the bill (S. 973) to amend the Surplus Property Act of 1944, as amended, so as to provide for preference of disposal of civilian defense property to the States and local governmental units wherein such property was used, introduced by Mr. BALDWIN, was received, read twice by its title, and referred to the Committee on Armed Services.

UNITED STATES OF EUROPE

Mr. FULBRIGHT (for himself and Mr. THOMAS of Utah) submitted the following concurrent resolution (S. Con Res. 10), which was referred to the Committee on Foreign Relations:

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the creation of a United States of Europe, within the framework of the United Nations.

INTERNATIONAL REFUGEE ORGANIZATION—AMENDMENT

Mr. REVERCOMB (for himself, Mr. McCARRAN, and Mr. McGRATH) submitted an amendment intended to be proposed by them, jointly, to the joint resolution (S. J. Res. 77) providing for membership and participation by the United

States in the International Refugee Organization and authorizing an appropriation therefor, which was ordered to lie on the table and to be printed.

CHANGES OF REFERENCE

On motion of Mr. MILLIKIN, and by unanimous consent, the Committee on Finance was discharged from the further consideration of the following bills, and they were referred to the Committee on Labor and Public Welfare:

S. 670. A bill to amend the Railroad Unemployment Insurance Act, as amended, and for other purposes; and

S. 956. A bill to amend the Servicemen's Readjustment Act of 1944, as amended, so as to extend the benefits of titles II, III, IV, and V of such act to members of the American Field Service.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H. R. 1366. An act to facilitate procurement of supplies and services by the War and Navy Departments, and for other purposes; to the Committee on Armed Services.

H. R. 2413. An act to amend the Federal Reserve Act, and for other purposes; to the Committee on Banking and Currency.

THE BOXCAR SHORTAGE

Mr. YOUNG. Mr. President, there has been great national concern and a great amount of publicity with respect to the present shortage of wheat and the resultant increase in the prices of wheat and also of bread. The farmers of the Middle West, and particularly of my State, have done their utmost in the production in wheat. Now they are faced, as they have been faced during the past many months, and even years, with a shortage of boxcars with which to send to the market the wheat they produce. Most midwestern elevators have been blocked for months and months, at a time when wheat is so sorely needed in other sections of the United States, and, for that matter, in the entire world.

Four midwestern railroads, including the Great Northern Railway, have done their utmost to alleviate this situation. At this critical time the Great Northern Railway has only 57 percent of its ownership of cars on its own railroad. Other western railroads are in exactly the same position. It has been a matter of so much concern to those railroads that they have found it necessary from time to time to insert advertisements in the various newspapers. I know of no action that would contribute more to the stabilization of grain prices at the present time than that which would return to western railroads the boxcars which they own and which they are entitled to use on their own roads.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an advertisement by the Great Northern Railway entitled "Wanted, 20,466 Boxcars."

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

WANTED: 20,466 BOXCARS

When a serious boxcar shortage last fall blocked the full movement of new grain and other commodities to markets Great Northern then gave shippers in its territory indisputable facts behind that deplorable situation.

Today, 7 months later, Great Northern is obligated to advise shippers that there has been no improvement in the boxcar supply on its lines. Factually, the car situation now is worse than in August, and the railway proposes to again tell why.

Great Northern is not receiving its deserved, proportionate share of boxcars because other lines, principally those in the East, are using them.

This railway owns 23,789 boxcars, a very large number of them top-grade, built especially for hauling grain, forest products, and other commodities requiring protection from weather.

On March 10, 1947, Great Northern had on its line only 13,737 boxcars, which represented 57.7 percent of the railway's total ownership. The important fact in those figures is that only 3,323 of the 13,737 cars were Great Northern-owned. The other 10,414 boxcars on the railway on that date belonged to other railways, and far too many of them were unfit for transporting grain, flour, and dressed lumber.

Where are 20,466 Great Northern boxcars, which are so desperately needed by shippers along the railway?

Boxcars do a lot of traveling. They roll from coast to coast and over both borders. Yet Great Northern has strong convictions, based on observations and Association of American Railroads' statistics, that most of our truant cars are working for lines east of the Mississippi River.

The association reported on February 1 (the most recent figures available) that boxcar possession on all railroads in the Eastern and Allegheny territories then was 110.1 and 103.1 percent, respectively, of ownership.

The same association, of which Great Northern is a member, consistently has promised relief for shippers on the railway, and with equal consistence has failed to effect any appreciable improvement in getting our own cars back home.

Lack of materials for new car construction has, of course, contributed to the boxcar headache. Great Northern has been unable to obtain materials for building 500 new boxcars, authorized almost a year ago.

The railway industry has been told that an increasing amount of steel and lumber will be available for new-car construction. It will be a year or more before enough boxcars can be built to bring the supply back to normal.

Meanwhile, Great Northern intends to continue its daily fight for an equitable supply of boxcars, its own, preferably, for shippers on the railway.

GREAT NORTHERN RAILWAY.

TRIBUTE TO THE LATE MRS. ALBEN W. BARKLEY

[Mr. RUSSELL asked and obtained leave to have printed in the RECORD an article entitled "Side Lights on Paducah" by Fred G. Neuman, published in the Paducah (Ky.) Sun-Democrat, which appears in the Appendix.]

ADDRESS ON PUBLIC WORKS BY SENATOR REVERCOMB

[Mr. REVERCOMB asked and obtained leave to have printed in the RECORD an address on the subject of public works, delivered by him before the Regional Highway Conference at New York City, on February 20, 1947, which appears in the Appendix.]

ADDRESS BY SENATOR MYERS BEFORE THE SOUTHEASTERN PENNSYLVANIA CHAPTER 1947 RED CROSS FUND CAMPAIGN

[Mr. MYERS asked and obtained leave to have printed in the RECORD an address delivered by him before the Southeastern Pennsylvania Chapter 1947 Red Cross fund campaign, which appears in the Appendix.]

AMERICAN AID TO GREECE AND TURKEY—EDITORIAL COMMENT

[Mr. MYERS asked and obtained leave to have printed in the RECORD an editorial entitled "Why UN Couldn't Serve," published in the Philadelphia Bulletin of March 17, 1947; and an editorial entitled "Not Bypassing the UN But Aiding It," published in the Philadelphia Inquirer of March 21, 1947, which appear in the Appendix.]

IS UTAH SAHARA BOUND?—DIGEST OF LECTURE BY DR. WALTER P. COTTAM

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a digest of a lecture entitled "Is Utah Sahara Bound?" delivered by Dr. Walter P. Cottam, of the University of Utah, which appears in the Appendix.]

BYPASSING THE UN?—EDITORIAL FROM THE CHARLOTTE OBSERVER

[Mr. HOEY asked and obtained leave to have printed in the RECORD an editorial entitled "Who Is Bypassing UN?" from the Charlotte Observer of March 19, 1947, which appears in the Appendix.]

HE WHO LAUGHS LAST—EDITORIAL FROM THE MAGAZINE LABOR

[Mr. KILGORE asked and obtained leave to have printed in the Appendix of the RECORD an editorial entitled "He Who Laughs Last," appearing in the magazine Labor on March 22, which appears in the Appendix.]

"LET'S TAKE UP A COLLECTION"—EDITORIAL FROM THE WYOMING EAGLE

[Mr. KILGORE asked and obtained leave to have printed in the RECORD an editorial entitled "Let's Take Up a Collection," appearing in the Wyoming Eagle, March 6, 1947, which appears in the Appendix.]

TRIBUTE TO COMMISSIONER DURR OF THE FEDERAL COMMUNICATIONS COMMISSION

[Mr. TAYLOR asked and obtained leave to have printed in the RECORD a tribute, by Variety magazine, to Commissioner Clifford J. Durr, of the Federal Communications Commission, which appears in the Appendix]

EXEMPTION OF EMPLOYERS FROM LIABILITY FOR PORTAL-TO-PORTAL WAGES IN CERTAIN CASES

The Senate resumed the consideration of the bill (H. R. 2157) to define and limit the jurisdiction of the courts to regulate actions arising under certain laws of the United States, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. MCCARRAN] for himself and the Senator from Rhode Island [Mr. MCGRATH], proposed as a substitute for parts II, III, and IV of the committee amendment as amended, being lines 19, on page 10, down to and including line 2, on page 23, as amended.

The Senate is proceeding today under a unanimous-consent agreement reading as follows:

That on the calendar day of Friday, March 21, 1947, at not later than the hour of 3 o'clock p. m., the Senate proceed to vote, without further debate, upon any amendment or motion that may be pending or that may be proposed to the committee substitute, and upon the committee substitute for the pending bill, H. R. 2157, the so-called portal-to-portal pay bill, and that on said day at not later than 5 o'clock p. m. the

Senate proceed to vote upon the final passage of the bill itself.

Mr. WHITE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	Murray
Baldwin	Hayden	Myers
Ball	Hickenlooper	O'Conor
Barkley	Hill	O'Daniel
Brewster	Hoey	O'Mahoney
Bricker	Holland	Overton
Bridges	Ives	Pepper
Brooks	Jenner	Reed
Buck	Johnson, Colo.	Revercomb
Bushfield	Johnston, S.C.	Robertson, Va.
Butler	Kem	Russell
Byrd	Kilgore	Saltonstall
Cain	Knowland	Smith
Capper	Langer	Sparkman
Chavez	Lodge	Stewart
Connally	Lucas	Taft
Cooper	McCarran	Taylor
Donnell	McCarthy	Thomas, Okla.
Downey	McClellan	Thomas, Utah
Dworshak	McFarland	Thye
Eastland	McGrath	Tobey
Ecton	McKellar	Umstead
Ellender	McMahon	Vandenberg
Ferguson	Magnuson	Watkins
Flanders	Malone	Wherry
Fulbright	Martin	White
George	Maybank	Wiley
Green	Millikin	Williams
Gurney	Moore	Wilson
Hatch	Morse	Young

Mr. LUCAS. The Senator from Maryland [Mr. TYDINGS] and the Senator from New York [Mr. WAGNER] are necessarily absent.

Mr. WHERRY. I announce that the Senator from Wyoming [Mr. ROBERTSON] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART] and the Senator from Oregon [Mr. CORDON] are absent by leave of the Senate.

The PRESIDENT pro tempore. Ninety Senators having answered to their names, a quorum is present.

Mr. BARKLEY. Mr. President, I hesitate to occupy the time of the Senate for even a brief period on the pending measure on which we are to vote today. I do not speak with any delusions that I may be able to affect the vote of any Senator, either on the substitute or the bill itself. But I do wish to express some views with reference to the proposed legislation on my own behalf, and on behalf of the record which I shall make in the votes I shall cast.

I recognized the sincerity, the ability, and the good faith of the members of the Committee on the Judiciary which has reported the bill to the Senate, and especially of the subcommittee, of which my able and distinguished colleague the junior Senator from Kentucky [Mr. COOPER] was a member. In what I shall have to say I shall not in the remotest degree cast any reflection on their ability, their sincerity, or their good faith. But there are certain features of the proposal to which I cannot give my approval, and I feel it my duty to record at least a few of the reasons in as brief a manner as possible, realizing that we are to vote at a certain hour on the substitute.

The proposed legislation is called portal-to-portal legislation. The history of the pending bill certainly makes it a portal-to-portal bill. It came through the portal of the House of Representatives after having gone through the portal of the committee of the House. It came through the portal of the Senate and thence through the portal of the Committee on the Judiciary of the Senate, in the meantime another bill having been introduced in the Senate by the chairman of the committee, which went through the portal of the Senate to the portal of the committee, and came out through the portal of the committee into the portal of the Senate. In the meantime, both bills went back through the portal of the Senate, through the portal of the committee, and out through the portal of the committee again and in through the portal of the Senate. So it is in truth and in deed a portal-to-portal bill.

During the process of migration on the part of this proposed legislation it changed both its raiment and its character so that in its present form it is almost unrecognizable as having any relationship to the first bill introduced in the Senate on the subject of portal-to-portal claims.

I have not had an opportunity to read carefully the extensive hearings which were held on the bill. Such time as I have had available I have utilized in running through the hearings. I have read the original portal-to-portal bill introduced by the Senator from Wisconsin [Mr. WILEY], the House bill as it passed the House, the amendment reported by the committee by way of a substitute, the amendment offered by the Senator from Nevada and the Senator from Rhode Island, and the reports on the two bills. I am compelled to say that I am still lingering in a certain amount of fog and confusion as to what is intended by the proposed legislation and what will be its ultimate effect upon the rights of workers as well as employers throughout the United States.

At the outset I wish to say that I deplore the tendency of recent years either by legislation to anticipate decisions of the courts and thereby in advance nullify them or make them impossible or irrelevant or by the passage of legislation to nullify decisions after they have been rendered. That tendency has taken root in the Congress of the United States to a larger degree within recent years than in any previous time, so far as I can recall, in the history of the United States. We saw evidence of it 2 or 3 years ago in legislation designed to lift out of the purview and the scope of the antitrust laws insurance companies engaged in interstate commerce, as they were, and as they were declared later by the Supreme Court to be so engaged. Fortunately, through the members of the committee, among whom especially was the Senator from Wyoming [Mr. O'MAHONEY], legislation was worked out which seemed to be satisfactory to the country and to all parties concerned. But the original proposal was a deliberate effort, Mr. President, to forestall an opinion of the Supreme Court, which was later rendered, holding insurance companies subject to the regulation of Congress because they were engaged in interstate commerce, which I had all my life believed ought to be the law if it was not.

We see now an effort being made, similar to the effort which was made in the last Congress, to forestall an opinion of the Supreme Court with respect to certain rate practices indulged in by the railroads of this country and approved, at least for the time, by the Interstate Commerce Commission which victimize the people of a very large section of the United States, of which my State is a part. That legislation is now pending in the Senate of the United States. It represents an effort to deny to the Supreme Court the right to adjudicate litigation on the part of the State governments of the States involved in order to terminate widespread discrimination in the treatment of communities and shippers and manufacturers and consumers of the United States of America. I do not support that proposed legislation, and I shall not support it.

Here in the Senate we have complained frequently that the executive branch of the Government was impinging upon the rights of the legislative branch. In the Senate of the United States we have frequently bitterly complained that even the Supreme Court was impinging upon the rights of the Congress by placing interpretations upon acts of Congress not intended by Congress. Although it is a peculiar function of the courts to interpret the acts of Congress and their application to the people, yet when the Senate as a whole, or Members of the Senate and the House, have felt that the Supreme Court had gone too far in interpreting laws which Congress had enacted, we have bitterly complained of judicial usurpation; and we have also bitterly complained of executive usurpation in the exercise of the functions intended by the Constitution to be exercised by the three coordinate branches of our Government.

In spite of this criticism and this complaint on the part of Members of Congress, we find ourselves now in the midst of legislation that may deny permanently certain rights to American citizens who are required both in peace and in war to perform all the duties upon which their country may call upon them to perform. We are now considering legislation growing out of a decision of the Supreme Court which is not yet final, which will have to be reviewed by the Supreme Court of the United States when the case involving the question out of which this legislation grows again reaches that Court.

So, Mr. President, it seems to me that we may be estopped hereafter in our criticism either of the executive or the judicial branch of our Government if we ourselves undertake to deny to the courts or to any executive agency set up by Congress the right to interpret the laws which Congress enacts.

I therefore deplore this tendency of legislative interference with the functions and the jurisdictions of the courts to pass upon questions which they themselves do not voluntarily seek, but which are brought before them by citizens of this great country, and upon which they must pass judgment in good conscience, which we feel they must possess, notwithstanding frequently we may disagree

with their logic and their conclusions. So much for that, Mr. President.

I am going to vote for the substitute amendment offered by the Senator from Nevada and the Senator from Rhode Island. There are some things in it to which I do not give wholehearted support, which violate my own conception of proper legislation upon a subject that has been whipped up because of a temporary situation, as I believe; but I think the substitute proposal is so infinitely better than the original bill or the committee amendment that I shall vote for it, and do so gladly, as between the two provisions which are now before the Senate.

Mr. President, I have been disturbed from the beginning of the agitation for portal-to-portal legislation over whether in our zeal, in what during this debate has been called our "hysteria"—I do not use that term, but I quote it from some of those who have discussed this proposed legislation—we may deprive American citizens of rights to which they are entitled and which are guaranteed to them by the Constitution of the United States.

There is more involved in this legislation, and there is more involved in the legislative process by which it has been brought to the Senate, than the mere Mount Clemens Pottery case involving walking time, or washing time, or changing-clothes time before or after the day's work has begun or ended. There is more involved in this legislation and its effect and its permanent results than the mere question of whether a man shall be paid while he is walking from the gate of a plant into the machine shop where he works, or back to the gate when he goes out at eventide, or whether he shall be paid for the time consumed while washing before or after he works, and changing his clothes. There is something more involved than the question whether a man shall be paid while he is riding to or from his work. That was the case upon which this legislation largely hinged and which brought it here. The Mount Clemens Pottery case did not involve many situations which I can visualize in my own mind with respect to workers. The Mount Clemens Pottery case did not involve a case such as that about which I inquired the other day, in which a man, under the fair-labor-standards law, is required to work 8 hours a day or 40 hours a week. Whether he is organized or unorganized makes little difference. It may be that the organized laborer, by reason of his organization, is in a better position than is the unorganized laborer to protect his own rights and demand a contract that is satisfactory to him. I think we all recognize that if that were not true there would be no labor organizations and no particular reason for them. We have always recognized the fact that organization among laboring men was essential in order that they might protect their own rights by concerted action; and we have legalized such organizations by declaring that they shall not be regarded as belonging to the category of violators of the antitrust laws, just as we have legalized farmers' organizations for the same reason. So we may assume that members of labor organizations are in a better position to protect themselves, their wages, and their conditions of labor than are the unorganized millions of workers who outnumber those who are members of labor organizations.

The Mount Clemens Pottery case did not involve a situation in which a man is required to work 8 hours in what is fantastically called his principal employment, which is not defined, as many other things in the bill which must be interpreted by the courts are not defined. The other day on the floor of the Senate, while the Senator from Nevada was speaking on the substitute, I asked whether a certain situation which I described would be covered, and if so, to what extent and in what manner. Suppose that a man is a machinist or a mechanic of some kind. He is required to go to work at 8 o'clock. Let us assume for a moment that he is not a member of an organization. He is required to enter upon the actual labor, which might be termed his principal employment, at 8 o'clock in the morning and to spend 8 hours at such principal employment. But let us suppose that his employer requires him to be on the grounds and within the shop at 7:30 in the morning in order that he may spend half an hour sharpening and preparing the tools with which he himself or his colleagues in the factory are to work. Can anybody say that under those circumstances the 40-hour workweek has been complied with, as intended by the Fair Labor Standards Act? If he is required to do that every day, instead of working 8 hours a day he will be working 8½ hours a day. If he works 6 days a week, instead of 40 hours a week, he will be working more than 50 hours, every moment of which he is under the control of his employer, working with tools which belong to his employer, and he must abide by his orders or run the risk of discharge from his employment.

Is that a part of his principal employment, or is that preliminary; or, if he is required to do it after the close of the shop in the afternoon, is that a part of the "postliminary" work for which there is to be no compensation unless there is a contract or unless it has been the practice and custom for the employer to pay for the extra work done at his command?

Mr. President, regardless of what may be the effect of the pending legislation so far as the future is concerned, or on any rights that may have accrued up to this time in this controversy, I am unwilling, by legislation, to say to a court called upon to administer and enforce the rights of individuals, however humble they may be, however unknown they may be, however they may live their lives in the shadows rather than on the peaks of human existence and human enterprise, that for all time in the future, whether a man is a member of any organization or not, he shall be denied the right to recover, or at least have a court pass upon his right to recover, wages for the extra work which he is compelled by his employer to do and with respect to which he has no remedy and no alternative except the loss of the employment upon which he and his family so vitally depend.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to my colleague.

Mr. COOPER. I think the distinguished Senator knows that I am always impressed by his remarks. However, I gathered from the illustration which he propounded that there was a question in his mind as to what would be the status of an employee who was required to report for his work some time before the beginning of his regularly scheduled hours to perform certain activities, and whether or not he would receive pay for such activities. Is that correct?

Mr. BARKLEY. That is correct, subject to the further observation that, of course, if he has a contract, either written or unwritten, or if there has been a practice or custom—whether it is immemorial or short-lived—he would be entitled to pay. But without a contract, either written or unwritten, and without a custom having prevailed or a practice having been indulged in in that plant, in the future he would not, as I understand, be entitled to recover, because that work would be regarded as portal-to-portal activity, compensation for which is sought to be barred by the bill.

Mr. COOPER. The distinguished Senator has perhaps not had the opportunity to read the report of the committee. Let me say that on page 48 of the report of the committee that exact situation, or one as nearly comparable to it as probably could be cited, is discussed. In the report it is clearly stated that under such circumstances it is the intention of the framers of the bill that such activities shall be compensable, as a part of the principal activity.

Mr. BARKLEY. I thank my colleague. However, I get the very strong impression, if I am mistaken I wish to be corrected, from reading the bill and the report, and listening to the discussion, that under the definition of portal-to-portal activities, unless there is a contract, written or unwritten, or a custom under which such activities are compensable, all preliminary and postliminary work required by an employer is noncompensable.

If I am mistaken about that I should like to be corrected, because I do not want to make a misstatement about it. That is my understanding of the bill. In another place in the bill it is provided that hereafter courts shall not have jurisdiction to try or consider portal-to-portal activities beyond those encompassed in a contract or by custom or practice.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LUCAS. Has the Senator from Kentucky analyzed the definition of portal-to-portal pay in this bill?

Mr. BARKLEY. I cannot say that I have analyzed it, because I think it is beyond analysis.

Mr. LUCAS. That is exactly the point. If there is a definition of portal-to-portal pay in the bill which will not give the courts plenty of trouble to ascertain what those who are the proponents of this bill are driving at, then I cannot understand the English language.

Mr. BARKLEY. The bill undertakes to define portal-to-portal activities by referring to section 2 of the bill.

Mr. LUCAS. It is not done in an affirmative way; it is done in a negative way.

Mr. BARKLEY. It is necessary to go from the section which undertakes to define portal-to-portal back to section 2 to find out what the authors are talking about; and when we get back to section 2 we find that portal-to-portal means anything which is not covered by contract or by custom or practice. Anything beyond that is portal-to-portal, according to the definition, if the definition is of any value whatever. In my judgment, the courts will have as much difficulty undertaking to determine what portal-to-portal means in this legislation as they have had in undertaking to write the decision out of which this legislation grows.

Mr. LUCAS. I have been here quite a long time, and I have never seen a definition like it in any legislation which has been considered since I have been a Member of the Senate. I have never before seen any committee attempt to define a term other than in an affirmative way which tells the Senate exactly what is meant. In this bill we have to go around Robin Hood's barn to attempt to find out what it means, and when we do so we find nothing, in my opinion, to define the term.

Mr. BARKLEY. Whether it was so intended or not, the bill is a declaration of no confidence in the courts of the United States. It is brought here because Congress fears that some court—either the United States Supreme Court or some Federal court or some other court whose decisions might reach the Supreme Court—might hold in a manner and to a degree that Congress did not wish them to decide. Therefore there is no way to avoid the conclusion which I entertain that the reason for this legislation is the fear of Congress that the courts in their decisions and interpretations might not go along the lines desired by the Congress of the United States. Yet, notwithstanding that implied lack of faith in our courts, the committee bill leaves to those same courts the duty of finding a way through the labyrinthine maze to interpret what is meant by portal-to-portal legislation or portal-to-portal activities or portal-to-portal compensation.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. Inasmuch as the Senator from Kentucky and the Senator from Illinois were discussing the definition, or the lack of definition, of portal-to portal activities in this bill, it seems to me that the occasion should not pass without specifically reciting the language of the proposed statute.

Mr. BARKLEY. I should be very glad to have the Senator do so.

Mr. O'MAHONEY. The language leaves it absolutely clear in the mind of any reasonable person that there is positively no definition in the bill concerning portal-to-portal activities which may be set up as to existing claims.

On page 11, beginning in line 19, the bill provides, as part of section 2:

For the purposes of this section—

That means the whole section—

no judicial or administrative interpretation—

Of the three acts—

shall have the effect of changing any written or nonwritten contract between the employer and employee so as to make compensable any portal-to-portal activities (as defined in sec. 5).

Yesterday when I undertook to read the bill during the debate, when I reached that point I turned to section 5 to find what the definition of portal-to-portal activities is in the minds of those who drafted the legislation. Section 5 appears on page 14 of the bill, beginning in line 3. It is entitled "Definition." Certainly when we come to a section entitled "Definition" we are entitled to believe that the authors of the bill will give us a definition. But what do they say?

As used in this part—

That means all of section 2, section 3, section 4, and, of course, section 5—

As used in this part, the term "portal-to-portal activities" means those activities which section 2 hereof provides shall not be a basis of liability or punishment under—

The three acts.

So we have the amusing and absurd situation that section 2 says that the proposed law deals with portal-to-portal activities as defined in section 5, and section 5 defines them as they are defined in section 2. It is a perfect run around. No court, no Congress, no committee, no Senator can interpret portal-to-portal activities so far as part II of the bill is concerned.

Mr. BARKLEY. And the result is that sections 2 and 5 meet themselves coming and going in every portal which they enter.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TOBEY. The Senator a few moments ago in his remarks stated that in his opinion this bill evidenced a lack of confidence in the courts of the land. Taking that theme for the purpose of a brief interpolation, I point out that I regret that attitude and I deplore it and I attack it and I shall do so in the future. Let me point out to the Senator that the same disease, the same lack of confidence, was exemplified in the oil legislation a year ago which the Senator and I tried to defeat on the floor, and it is also manifested in the so-called Bulwinkle bill.

Mr. BARKLEY. Before the Senator came in I had referred to the Bulwinkle legislation and had referred to the previous effort to deprive the Supreme Court of the power to pass upon whether insurance was interstate commerce. I did not advert to the oil situation, and I thank the Senator for adding that to the list. I concur completely in the statement of the Senator, and I remarked on the fact that I deplored the recent tendency of Congress to undertake to impinge upon the jurisdiction of the courts, as every Congress has from time to time criticized the Executive for undertaking to impinge upon its rights.

Mr. TOBEY. It is a very dangerous situation.

Mr. BARKLEY. That is correct.

I do not want to take any further time with respect to the lack of any definition of portal-to-portal activities. Section 2 refers to the definition in section 5. We turn to section 5 and do not find any definition there. It might have been easy or it might have been difficult to say "portal-to-portal activities" mean this, that, or the other; but it does not say that. If we are to take it for anything of value, whatever it means, taking the two sections together, everything that is not specified in section 2 is portal-to-portal, and that means that many activities in which men engage in good faith, where they may be required from time to time to work for an employer who may be arbitrary or unreasonable, will be regarded, if it were of any value at all as a definition, as a portal-to-portal activity.

This bill provides that even custom or practice, when it is inconsistent with a contract, shall not govern. I am very much disturbed about that provision, because there is no definition of a contract in this bill. All through the measure reference is made to written and unwritten contracts. I imagine that very few individual employees have a written contract with their employer. No doubt they applied for a position or a job or for work, and the employer told them what the wage would be, and the employees went to work at that wage. In the case of such a worker there is an implied contract, of course; and where there is neither a written nor an unwritten contract that is enforceable, the law from time immemorial has stepped in and presumed the existence of a contract between the employer and the employee. In this bill reference is made to written and unwritten contracts; but the bill provides that wherever custom or practice established between the employer and the employee is inconsistent with a written or unwritten contract, then the practice or custom is null and void and of no effect.

Mr. President, what constitutes inconsistency with a contract? Let us suppose there is a written contract between any given employer and any given employee to employ the worker at, let us say, $5 a day for 40 hours a week. Let us suppose that nothing is said in the contract about overtime or preliminary work or postliminary work or whether the employer shall have the right to compel the employee to be on the job half an hour before the time when the machine shop commences operations, in order that he may engage in some preliminary work preparatory to beginning the 8-hour day. The contract contains no provision about that; it is silent on the subject. Mr. President, if a custom is established in that plant, whereby

one-half hour's work, preliminary or postliminary, would be compensable, this bill provides that that practice or custom is null and void if it is inconsistent with the terms of the contract. If there is nothing in the contract on the subject, it might well be said that any agreement outside the contract would be inconsistent with it, and that therefore such work would not be compensable, even though both sides might agree to the practice, which would be established outside of the contract, and which might be inconsistent with it.

So, Mr. President, it seems to me that in writing this bill the committee has been most anxious to give voice to an immediate dismissal of all these lawsuits, thereby taking them out of the hands of the courts. No one knows what the courts' decisions will be. There has been only one trial which has come to any outstanding notice, and that is the trial before Judge Picard in Detroit. The decision in that case was appealed to the Supreme Court, and the Supreme Court held that the activities described in the suit and in the decision might be compensable, and it remanded the case to Judge Picard's court, with instructions to determine how much the employees were entitled to, having in mind the de minimis rule. Judge Picard evidently took that hint of the Supreme Court as being worthy of his consideration, for he then held that all those cases came under the de minimis rule, and therefore he dismissed the entire suit—which I suppose will, in turn, come to the Supreme Court for further consideration; and inasmuch as the Supreme Court gave to the district court in Detroit that hint of what it might do—to take into consideration the de minimis rule—I imagine the Supreme Court itself might have that in mind, and perhaps will dismiss all these cases when they come to it.

Mr. McMAHON. Mr. President, will the Senator yield to me?

Mr. BARKLEY. I yield.

Mr. McMAHON. Can the Senator from Kentucky tell us what provisions of this measure have previously been before the Senate—for instance, at the last session—and have failed of passage, and what provisions which we have previously rejected are attempted to be run in here in order to have them adopted under the cover of this portal-to-portal legislation?

Mr. BARKLEY. I had in mind the Gwynne bill which passed the House of Representatives and came to the Senate. The Gwynne bill came to the Senate from the House of Representatives during the last session; but the Gwynne bill of the Seventy-ninth Congress is an entirely different measure from the Gwynne bill which the House of Representatives sent to the Senate a few days ago. There was nothing in the former Gwynne bill with respect to portal-to-portal pay. There was not a word in it with respect to amending the Walsh-Healey Act or the Bacon-Davis Act. So we cannot consider that the Gwynne bill which was passed by the House of Representatives during the last session has any real relationship to the measure now before us, except that the decision of the Supreme Court and the filing of these many fantastic cases have given a peg upon which to hang a hat of legislation which, if not designed to do so, at least is likely to do irreparable injury to millions of our people in years to come.

Mr. WHERRY. Mr. President, will the Senator yield to me?

Mr. BARKLEY. I yield.

Mr. WHERRY. I appreciate the answer the Senator from Kentucky gave to the Senator from Connecticut, for the Gwynne bill which came to the Senate from the House of Representatives in the Seventy-ninth Congress did not contain any strictly portal-to-portal provisions.

Mr. BARKLEY. That is true.

Mr. WHERRY. It did have the good-faith reliance clause, and it was passed with that provision in it. Is that correct?

Mr. BARKLEY. That is correct.

Mr. WHERRY. Yes. I agree with the distinguished Senator that there was no portal-to-portal legislation in it.

Mr. BARKLEY. Mr. President, I wish to refer to the part of the bill which sets out the findings of the committee. I do not have time to discuss more than a portion of the bill. First the bill states that the Congress finds that certain horrid conditions exist in this country, endangering our commerce, our safety, our security, and threatening bankruptcy to many of our institutions. As a matter of fact, Mr. President, of the 550,000 corporations which come under the Fair Labor Standards Act on the average, and the more than 900,000 corporations that have come under it since its enactment because of the turnover in corporate existence, only a very few of them are involved in such suits, now brought or pending in the United States. Nevertheless, the asserted threat of bankruptcy to many of our institutions is set out in the bill as a reason for its enactment.

Then we find this:

> The Congress further finds and declares that all of the results which have arisen or may arise under the Fair Labor Standards Act of 1938, as amended, as aforesaid, may (except as to liability for attorney's fees and, in the case of the Bacon-Davis Act, for liquidated damages) arise with respect to the Walsh-Healey and Bacon-Davis Acts and that it is, therefore, in the national public interest and for the general welfare, essential to national defense, and necessary to aid, protect, and foster commerce, that said Walsh-Healey Act and said Bacon-Davis Act be amended, as hereinafter set forth.

Mr. President, I have gone through the volume of hearings held by the Committee on the Judiciary, and in it I have not found a word with respect to either the Walsh-Healey Act or the Bacon-Davis Act. No witness who appeared before the committee urged or requested or suggested that the Walsh-Healey Act be amended or changed, or that provision for its change be included within this measure, or that the Bacon-Davis Act be amended or changed, or that provision for its amendment be included in this measure. Yet without a word of testimony, without a suggestion publicly made that the Walsh-Healey Act and the Bacon-Davis Act, as interpreted and enforced, endanger our national security and the national defense, the committee asks the Congress to find, in the absence of any basis whatever, that the amendments to the Walsh-Healey Act and the Bacon-Davis Act shall be included in the portal-to-portal legislation.

Mr. President, it has already been stated that there has not been a single lawsuit brought for recovery of compensation for portal-to-portal activities under the Walsh-Healey Act, and that act has been in existence since 1935. The Bacon-Davis Act has been in existence since 1931, and not a single lawsuit has been brought in any court to secure compensation for portal-to-portal activities under either one of these acts.

We have just fought a great war, the greatest war ever fought in all the annals of history. We played a magnificent part in that war. Both industry and labor, agriculture and finance, all of the activities, all of the resources, of our Nation were consolidated and organized in order to win that war. There was no complaint while the war was on, for more than 4 years, that the Walsh-Healey Act was interfering with our national defense. There was no suspicion brought even to Congress or in the public press, or before the American people, that the Bacon-Davis Act and its enforcement and its observance were interfering with our national defense. Yet we are told to find in the proposed law that the way these laws are being observed and enforced is a danger to our national defense, and that their change as recommended by the committee is necessary in order that our national life may be preserved in our effort to defend it.

Mr. President, I decline to make any such finding on my part. I decline to join any other Members of this body in making any such finding, because it is a false finding, it is based on no testimony, no record, no circumstance, that gives justification for the amendments which are included in the bill with respect to the Walsh-Healey Act or the Bacon-Davis Act.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Illinois.

Mr. LUCAS. The Senator was unavoidably absent the other day when the distinguished Senator from Rhode Island [Mr. McGRATH] made a remarkable address upon this question. He discussed thoroughly the Bacon-Davis Act and the Walsh-Healey Act and, as I recall, he said in the address that $50,000,000,000 was spent under the Bacon-Davis Act and the Walsh-Healey Act, and not one complaint was ever made, not one lawsuit was instituted, nothing happened in the spending of all that money, which would give any committee in the United States Congress the right or opportunity to bring the Bacon-Davis Act or even the Walsh-Healey Act under this kind of a bill.

One further observation. It is worth while to repeat that when the committee started the question of portal-to-portal legislation, it first reported out a bill which dealt solely with the portal-to-portal cases, then for some cause or

other the bill was sent back to the committee, and it came back with many additions. I wonder if the committee, like a prizefighter, has a little overtrained in its zeal to bring in something that would be perfect.

Mr. BARKLEY. I was not privileged to hear the speech of the Senator from Rhode Island, but since I returned to Washington I have read it with great admiration and with much profit and benefit, and I hasten to join those who have already congratulated him upon it. In view of its exhaustive discussion of the bill and its implications, it seems like a work of supererogation for me or anyone else to attempt to add anything to it. But there is a strange mystery about how the bill in is present form came before us, because the original bill, Senate bill 70, was not reported to the Senate until after all the hearings had been concluded, and based upon those hearings the committee reported Senate bill 70. Then it was returned to the committee, and while it was back in the committee, it wrote in the provisions amending the Walsh-Healey Act and the Bacon-Davis Act.

The only explanation I can make—and I hope it is not an offensive explanation—is that the committee decided that it would go as far as possible while the going was good, and would add amendments to legislation which had been in effect for 10 or 15 years without complaint, without any justification for the fear that either one of the acts was being misinterpreted or badly administered by the Government of the United States.

Mr. FULBRIGHT. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. In that connection, does the Senator make a distinction between the part of the bill which relates to the past claims and that part relating to future claims, with regard to the real purpose of the bill, and the reason for its reference to the Committee on the Judiciary? It occurs to me that the only jurisdiction we had in mind, and, I may say, the Presiding Officer had in mind when referring such a bill to the Committee on the Judiciary, to deal with a situation which arose somewhat by surprise, was not with the intention of laying down a substitute for labor's future actions.

Mr. BARKLEY. There is a distinction, certainly; there should be a distinction, if Congress feels itself called upon to dismiss all these actions instead of letting the judges do it; and that is what the proposed legislation does. It just dismisses all the cases en masse, without regard to whether any of them have merit or not. It would be inconceivable that this many lawsuits could be brought without some of them probably having some merit. But what gave rise to the legislation was a desire to dismiss the cases, and do it fast, and quick, and now. The committee is not willing to leave it to the judges, every one of whom might dismiss the action, as Judge Picard dismissed those in Detroit. Congress is not willing to leave the cases to the courts; it wants to dismiss the cases at once. But while dismissing these cases already brought, the proponents of the bill project a dismissal, a prospective dismissal, into all the years of the future, and amend the labor laws of the land, which were not sponsored by the Committee on the Judiciary, but by other committees of the Senate and the House of Representatives. Without criticizing the committee, I feel that it went beyond the purview of the proposal before it as it was originally conceived, in order to amend the Labor Relations Act, the Walsh-Healey Act, and the Bacon-Davis Act, which were sponsored by other committees of both the House and the Senate.

Mr. FULBRIGHT. I thank the Senator for his last remark. What I had special reference to was that if we are to amend for the future substantive labor legislation, it properly should be done on recommendation of the Committee on Labor and Public Welfare.

Mr. BARKLEY. I thoroughly agree with that. Of course, the Presiding Officer said, at the time he made reference of the bill, that it might with equal propriety have been referred to the Committee on Labor and Public Welfare; but it was referred to the Committee on the Judiciary, and I suppose that, like all committees, that committee felt that it was commissioned to deal with the entire subject growing out of the litigation. I do not myself adhere to that theory.

Mr. COOPER. Mr. President, will my colleague yield?

Mr. BARKLEY. I have occupied more time than I intended to take, but I yield to my colleague.

Mr. COOPER. I should like to ask the Senator whether, in his analysis of the amendment, it appears to him that the amendment invalidates existing claims exactly in the way the committee bill accomplishes that result.

Mr. BARKLEY. Yes; I think that in all likelihood, under a proper interpretation of the substitute, so far as language is concerned, it invalidates them, but it does not invalidate compensable claims which may be filed in the future, which the bill from the committee does.

Mr. COOPER. In respect to past claims, is it not true that the committee bill and the amendment accomplish the same result?

Mr. BARKLEY. That is why I said at the outset that there are some things in the substitute to which I do no adhere.

Mr. COOPER. I was interested in the Senator's statement that he deprecated the tendency of legislative bodies to anticipate decisions of the courts in retroactively invalidating these claims. Is it not true that the amendment would likewise anticipate the action of the Supreme Court?

Mr. BARKLEY. Oh, yes; I agree with that interpretation as to past portal-to-portal liabilities.

Mr. McGRATH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McGRATH. In the short time the Senator has had in which to study the language of the committee's bill and the amendment proposed by the Senator from Nevada and myself, I think the Senator from Kentucky has not become aware of the fact that there is a very distinct difference between the two approaches.

Mr. BARKLEY. I am certainly happy to have the Senator point that out, but I had understood the Senator from Nevada yesterday during his discussion to make the statement—and that is largely the basis for my answer—that so far as past claims were concerned, the McCarran amendment substantially did what the committee bill does.

Mr. McGRATH. I may say to the Senator that it does that, so far as portal-to-portal claims are concerned; that is, what are known as "portal-to-portal" claims. But it does not attempt to take out of court persons who probably have claims now pending under the Fair Labor Standards Act that do not come within what we conceive to be the portal-to-portal theory.

Mr. BARKLEY. In other words, then, the difference is that the committee bill regards all these lawsuits as being based upon portal-to-portal activities, which they outlaw, whereas the amendment offered by the Senator from Rhode Island and the Senator from Nevada distinguishes between strictly portal-to-portal claims and other claims which may be legitimate and have merit?

Mr. McGRATH. That is correct; and, if the Senator will yield to me for a moment, I shall try, as simply as possible, to explain this distinction.

Mr. BARKLEY. I am happy to yield.

Mr. McGRATH. First, I refer the Senator to the language of the committee bill on page 11, line 7, and to the language of the proposed McCarran-McGrath amendment, on page 2, line 14. I may say that the Senators supporting the committee substitute have reiterated here on the floor that with respect to past claims there is no difference between the committee substitute and the McCarran-McGrath amendment. Even if this were true, it would hardly lessen the argument for the amendment, since adoption of the amendment would at least preserve the Fair Labor Standards Act for the future, and the committee substitute would, in my opinion, torpedo it. But the committee substitute and the proposed amendments are not alike in past effect, except with respect to what are really portal-to-portal claims which would be wiped out by both bills.

The difficulty in seeing the difference has perhaps arisen from the fact that Senators making a comparison have not read the entire language of the comparable provisions. The difference lies in the use in the committee substitute of the words to which I have referred, "except those activities which were compensable by either" contract, custom, or practice, as against the use in the minority amendment of the words, "to the extent that such claim involves such activities of an employee as were not compensable working time."

If I may, I should like further to elaborate on that. The committee substitute in effect does this: It looks to the contract, it looks to the custom, and it looks to the practice, to determine only one

question, and that is what activity, by that custom or contract, has been made specifically compensable? The minority approach and the minority amendment look to the contract, to be sure, to the custom and the practice; but it looks to it to determine what was working time—and that is the basic difference—and the extent to which the claim is for activities which were not working time under either a contract or by a custom or practice. Working time is the precise question involved in portal-to-portal suits, not compensability. If in connection with any specific case there should be no question about whether the activities engaged in were work, the proposed minority amendment would not wipe out the claim; but as against this proposition the committee substitute would wipe out any claims not involving in any way the question of what was or was not, or what is work, simply because the activity upon which such claim might be based was not specifically made compensable by the contract, by the custom, or by the practice.

Furthermore, the language of the committee substitute would operate to divest employees of their rights under claims which might be clearly equitable, and which might involve no question at all with respect to what was work. It might divest employees of their rights under such claims solely because some employer had a contract or had established a custom or a practice to the effect that the particular activities engaged in were not to be compensated.

I hope I have made clear the difference in approach.

Mr. BARKLEY. I thank the Senator for calling my attention to that distinction, which is a very vital distinction. As I see it, the committee bill has included in its scope what has always been understood as portal-to-portal activities, and outlaws all of them.

Mr. McGRATH. The phrase "portal-to-portal activities" means working time, not compensability.

Mr. BARKLEY. The substitute offered by the two Senators makes that very just distinction, in order that every claim, whether portal-to-portal or not, may not be wiped out at one fell swoop by an act of Congress.

Mr. McGRATH. Will the Senator yield further?

Mr. BARKLEY. I am glad to yield.

Mr. McGRATH. I should be glad to put into the RECORD along with these remarks which the Senator has permitted me to make the references which clearly will point out the distinct difference in approach as between the committee bill and that proposed by the minority. Those references are, as I said in the beginning, the language used in the committee bill, page 11, line 7, which refers to activities which shall not be paid for, except such as are compensable either by express contract, written or nonwritten, and so forth; and, as against that, the language used in the minority bill, appearing on page 2, line 14, which excludes only activities which were not compensable as "working time," either under an express provision of a written contract or otherwise.

Mr. BARKLEY. I thank the Senator for that interpolation.

Mr. President, I desire to conclude. I want to make merely this observation. I object also to the 2-year limitation, because it is practically a cutting in half of the average of the limitations in existence now in all the States. In my State the statute of limitations provides 5 years, in some States it is 6, in some it is 1 or 2. The average is slightly under 4 years, whereas the committee bill makes it 2 years. The substitute makes it 3, which it seems to me is fair. It is more than fair to industries in States where the limitation is 5, 6, or even 4 years; and it is not unfair to those in States where the limitation is only 1 or 2 years.

Mr. President, I should like to vote for some legislation dealing with this situation, inasmuch as it has been injected here, though I have an abiding faith that, if a little time had been allowed, the courts could have adjusted this difficulty and settled it to the entire satisfaction of business and labor and the people. I would not object, and I would be glad to vote for some bill that relieved business of any harassment on account of inconsequential and trifling lawsuits. But, Mr. President, unless this bill is amended either by the adoption of the substitute or by other amendments that go to the objections which I have raised to the committee bill, I do not see how in good conscience I can cast my vote in favor of the legislation reported by the committee.

I apologize to the Senate for consuming more time than I had intended. We frequently do that here without intending to do so. But I did want my views upon the implications and far-reaching consequences of this legislation made a matter of record in the Senate of the United States.

Mr. DONNELL. Mr. President, will the Senator from Kentucky yield to me for an inquiry?

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Missouri?

Mr. BARKLEY. Mr. President, I have yielded the floor.

Mr. DONNELL. Would the Senator answer an inquiry, please?

Mr. BARKLEY. Yes.

Mr. DONNELL. I wanted to be sure that I understood the Senator earlier in his remarks. Did he refer to what he termed the "hysteria" under which the country is now laboring?

Mr. BARKLEY. I referred to it in quotations, because it had been referred to in other discussions of this legislation in my absence, and I referred to it not as an original expression of my own but as a quotation from other Senators who had discussed the subject.

Mr. DONNELL. May I ask the Senator whether he shares in the view that the country is experiencing a hysteria over this matter at this time?

Mr. BARKLEY. I think a good deal of excitement was whipped up on the subject. I did not say that everybody was afflicted with hysteria. I think that some legislators, without identifying any of them, were afflicted with it.

Mr. DONNELL. May I ask the Senator whether he regards the economic situation that has been presented by the portal-to-portal cases as being such as seriously to require the attention of Congress?

Mr. BARKLEY. If it were conceivable that all the courts in which these cases are pending would render judgment for the entire $5,000,000,000 involved in all the lawsuits, it would present a serious situation. But to me that result is utterly inconceivable, and it is as inconceivable and as fantastic as some of the suits themselves that have been brought upon the subject.

Mr. DONNELL. May I ask the Senator whether or not he regards the pendency of $5,785,000,000 of claims, plus 398 suits with an indeterminate amount as a trivial consequence regardless of the ultimate outcome?

Mr. BARKLEY. I did not use the word "trivial." I think many of the suits involve trivial claims; I am frank to say that. As I said, I am a lawyer by profession. I used to bring lawsuits. Frequently I brought a lawsuit for more than I thought I would obtain when I submitted it to the jury, and my prognostications in that respect rarely failed. I hardly ever received what I asked for in a lawsuit. And it would be utterly inconceivable to me that the Federal courts or any other courts would render judgment for all these claims that have been added up to a total of $5,000,000,000. It is utterly fantastic to think that the courts would do it. And the substitute offered by the two Senators who are members of the committee will answer the question proposed by the Senator from Missouri anyway, because it deals with claims that are legitimate portal-to-portal activities in a way which has been described and which I shall not now further discuss.

Mr. DONNELL. May I ask the Senator if he has had the opportunity to read the statement of Under Secretary Royall as to the figures of possible liability of the United States Government?

Mr. BARKLEY. Yes; I have read hastily all the hearings. I am not disturbed by that. And I would not deny to any American citizen any right he enjoys under the Constitution because it might take a dollar or two out of the Treasury of the United States.

Mr. DONNELL. Mr. President, will the Senator yield for a further inquiry?

Mr. BARKLEY. The Senator from Missouri, I understand, is going to take his own time to discuss this matter. I have concluded my remarks, but I yield one more time.

Mr. DONNELL. The Senator has given us the benefit of his views on this subject, and I should like to have some further elucidation, if he has no objection.

Mr. BARKLEY. I will let the Senator cross-examine me one more time.

Mr. DONNELL. Very well. I ask the Senator whether or not he agrees with this expression contained in the petition for a writ of certiorari in the Mount Clemens Pottery Co. case filed on yes-

terday by the Attorney General of the United States:

Since the decision in this case, which was handed down in June 1946, numerous suits seeking very substantial sums, purporting to rest on that decision, have been filed throughout the country. Prompt and definitive adjudication of the proper application of the de minimis rule in this case will serve to facilitate the disposition of this multitude of cases which now threatens to embarrass judicial administration in both Federal and State courts and to disrupt industrial relations in the period of reconversion.

Does the Senator agree with that expression?

Mr. BARKLEY. I have not read the Attorney General's petition in that matter. I have the greatest respect for the Attorney General of the United States. I think he is endeavoring to perform his duty in an outstanding way and in a very successful way. The petition he files deals with the Mount Clemens case, which revolves around the Fair Labor Standards Act. It has no relationship to the bill now pending, which includes both the Walsh-Healey Act and the Bacon-Davis Act, and, so far as I know, there is nothing in the activity of the Attorney General that in any way involves these two acts which have been lugged in here, in my judgment, unnecessarily and improperly.

Regardless of that, the Attorney General has his duties to perform as the Attorney General of the United States, the chief law officer of this great Nation, and I admire the way in which he is performing his duties. I have my duty here as a Senator, and I seek to perform that duty according to the lights I have, and shall continue to do so, I hope.

Mr. DONNELL. Mr. President, will the Senator yield for just one further question?

Mr. BARKLEY. I yield.

Mr. DONNELL. I ask the Senator whether he agrees with this statement, made by the subcommittee of the Business Advisory Council of the Department of Commerce of the United States:

Whatever the final amounts which might be awarded by the courts if the present judicial interpretation stands, it is clear that the extent of litigation, the cost of defense, and the potential liabilities constitute such a burden on industry as to force many companies into bankruptcy and to disrupt seriously the whole economy.

Mr. BARKLEY. I should want to read the entire statement before I decided that I agreed with that language.

Mr. DONNELL. This is a statement by a subcommittee of the Business Advisory Council of the Department of Commerce of the United States.

Mr. BARKLEY. I do not like to have one paragraph or one sentence lifted out of a discussion of some length and to be asked whether I agree with it. It depends altogether on the basis upon which the statement was made. I do not think I agree necessarily with all the implications that are involved in the statement read by the Senator, but I would want to read the whole statement in order fairly to determine whether I agree with it as a whole or not. It seems to me that it sheds no light upon this discussion or upon the wisdom of the proposed legislation for me to be catechized about how many different organizations I want to line up with in regard to this legislation, either for or against it. I have my own opinions about it, and they are not superinduced by the recommendations of any organization, labor organization, business organization, chamber of commerce, manufacturers' organization or any other organization. I have arrived at my conclusions by processes that are satisfactory to me, although they may not be satisfactory to anyone else.

Mr. DONNELL. May I ask the Senator one final question, and that is whether or not he is acquainted with Mr. Robert T. Caldwell, general counsel of the Associated Industries of Kentucky?

Mr. BARKLEY. Yes, I know Mr. Caldwell. He is an able lawyer in Kentucky. He represents the Associated Industries of Kentucky, and he is one of my warmest friends, one of my lifelong friends, and I have for him and his ability and his character the highest esteem, and I cherish him as a devoted personal friend. We do not always agree.

Mr. DONNELL. I thank the Senator.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. O'MAHONEY. Is it the purpose of the Senator from Missouri to speak at length?

Mr. DONNELL. I shall probably speak for about an hour.

Mr. O'MAHONEY. Will the Senator be good enough to yield to me to make a brief statement of my position on this measure before he takes the floor?

Mr. DONNELL. I shall do so if I may have unanimous consent to retain the floor.

The PRESIDENT pro tempore. That is the only way in which the Senator can retain the floor. Is there objection to the Senator from Missouri yielding to the Senator from Wyoming under the announced circumstances? The Chair hears none, and the Senator from Wyoming is recognized.

Mr. O'MAHONEY. Mr. President, I desire to have in the RECORD a brief statement of my views upon this measure and a statement of my reasons for supporting the substitute proposed by the senior Senator from Nevada [Mr. MCCARRAN] and the junior Senator from Rhode Island [Mr. MCGRATH].

I have listened with a great deal of interest and attention to the debate yesterday and today, and particularly to the questions which were directed a few moments ago to the minority leader [Mr. BARKLEY] by the Senator from Missouri [Mr. DONNELL]. I have a very clear feeling that the majority of the Judiciary Committee has brought in a bill based upon apprehensions which have arisen in the minds of some industrialists about the effect of portal-to-portal suits which have been filed. In the guise of correcting the situation created by the Supreme Court's decision in the Mount Clemens case the majority is seeking not merely to correct that difficulty, but to go far afield and strike down labor legislation against which there has been no attack whatever in the past.

The trouble about the portal-to-portal suits began when the Supreme Court handed down the Mount Clemens decision under the Fair Labor Standards Act. The basis of every claim for compensation for portal-to-portal working time, so to speak, was to be found in the Fair Labor Standards Act itself. In other words, the claims were statutory claims. To correct the portal-to-portal difficulty, therefore, it was necessary only to go to the Fair Labor Standards Act itself, and to modify, amend, or repeal the statutory language in that act which gave rise to the suits.

That is precisely what the substitute does. It submits to the Senate the opportunity to vote for an amendment of the Fair Labor Standards Act. The proposed substitute reads, in part, as follows:

SEC. 201. The second sentence of subsection 16 (b) of the Fair Labor Standards Act of 1938 is amended to read as follows:

It is not necessary to read the amendment. It is only necessary to call attention to the debate which took place here yesterday and today, in which it was agreed upon both sides that insofar as past activities are concerned, and insofar as portal-to-portal activities are concerned, this language of the substitute is very little different in purpose from part II of the bill reported by the committee, and, therefore, it will cover the case so far as the past is concerned.

But the committee was not content to solve the precise question which arose. The committee was not content to correct the difficulty which might come from unwarranted interpretations of the Fair Labor Standards Act, or warranted interpretations, to make compensable activities which were not conceived to be compensable at the time they were performed in the past. The committee was not content to correct the retroactive effect which might follow from the Mount Clemens decision. It was not content to deal with the precise subject which has been giving concern, if any concern has been felt, to employers and employees. The committee went far afield. It went into the future. It went into the undermining of the Bacon-Davis Act and the Walsh-Healey Act, neither of which, as the Senator from Kentucky [Mr. BARKLEY] has so ably pointed out, has ever been productive of any such interpretation as that which followed from the Mount Clemens case. So the majority of the Judiciary Committee is seeking to go far beyond the effect of the Fair Labor Standards Act. I can see no explanation for that course except a desire upon the part of a majority of the committee to accede to the demand which has arisen from shortsighted employers who would strike down the gains which have been achieved for labor.

That is not a wild interpretation, when one reads the language which we are asked to support. I know of no way to interpret a law or a proposed law except to read it. I know of no way to determine what legislators mean except by reading what they say. We are asked to believe that this bill deals solely with portal-to-portal activities. How can anyone who reads the bill reach such a conclusion? It is easy to bring here

editorials from newspapers, quotations from attorneys, quotations from the Attorney General of the United States, and quotations from the economic advisers to the Secretary of Commerce, who are dealing with a substantive fact, a fact which is taken care of by the minority substitute. But those quotations have no relevancy whatever with respect to the language of this measure, unless we understand precisely what that language says.

Let me read significant sentences from part II of the committee bill. Section 2 is entitled:

Relief From Portal-to-Portal Claims Under the Fair Labor Standards Act of 1938, as Amended, the Walsh-Healey, and the Bacon-Davis Acts.

I digress to say that there have never been any portal-to-portal claims under two of those acts in all the years they have been on the statute books. But the title, let us observe, is "Relief From Portal-to-Portal Claims Under the Fair Labor Standards Act of 1938, as Amended, the Walsh-Healey, and the Bacon-Davis Acts." Is that what the committee proposes to do? Let us read on:

No employer shall be subject to any liability—

Observe the word "any"—

or punishment under the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, or the Bacon-Davis Act on account of the failure of such employer to pay an employee minimum wages, or to pay an employee overtime compensation, for or on account of any activities of an employee engaged in prior to the date of enactment of this act, except those activities which were compensable by either—

(1) an express provision of a written or nonwritten contract in effect, at the time of such activity, between such employee, his agent, or collective-bargaining representative and his employer; or

(2) a custom or practice in effect, at the time of such activity, at the establishment or other place where such employee was employed, covering such activity, not inconsistent with a written or nonwritten contract, in effect at the time of such activity, between such employee, his agent, or collective-bargaining representative and his employer.

I call attention to the phrase in line 5, of page 11, "on account of any activities." If that means anything, it means precisely that there shall be no compensation with reference to minimum wage, or for overtime in connection with any activity—not simply any portal-to-portal activity because the phrase "portal-to-portal activities" is not used; it says "any activities"—unless those activities come within the exception set forth in clauses 1 and 2.

Is that a strained construction? Mr. President, no lawyer can construe any bill or any statute except by reading the language and comparing one phrase with another.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. O'MAHONEY. If the Senator will bear with me just for a moment longer.

So, Mr. President, when I say that the language which I have just read goes far beyond the question of portal-to-portal activities, I undertake to prove it by referring to the language which is contained in the clause beginning in line 19 of the same page, which is part of the same section.

The PRESIDING OFFICER (Mr. FLANDERS in the chair). The Chair understands that the Senator from Missouri [Mr. DONNELL] really has the floor.

Mr. O'MAHONEY. And he had unanimous consent to yield to me for a statement. I hope that I shall not trespass too long upon the time of the Senate.

Mr. DONNELL. I am very happy to yield. I assume the Senator will not consume much additional time.

Mr. O'MAHONEY. I shall not consume much additional time. I shall be frank with the Senator. On Monday I was out of the city making a St. Patrick's day speech, while the Senator consumed approximately 5 hours in explanation of the bill. I hope that I shall not take more than 10 minutes, in addition, to make clear my position. I shall try to do so in less time than that.

Mr. DONNELL. I appreciate the Senator's attitude. I call attention to the fact that the Senate is to vote at 3 o'clock As I have stated, I anticipate that my remarks will take probably an hour.

Mr. O'MAHONEY. I am sure the Senator will not begrudge me 20 minutes if he is going to take an hour.

Mr. DONNELL. I have the floor, of course, and I do not desire to yield the floor for an indefinite period.

Mr. O'MAHONEY. Indeed not.

Mr. DONNELL. I shall appreciate the Senator's cooperation to that end.

Mr. O'MAHONEY. The Senator will find me cooperative.

The PRESIDING OFFICER. Does the Senator yield to the Senator from West Virginia?

Mr. DONNELL. Mr. President, I want it clear that the Senator from Missouri has the floor and that the yielding is being done by the Senator from Missouri.

(At this point Mr. DONNELL yielded to Mr. REVERCOMB, who submitted an amendment intended to be proposed to Senate Joint Resolution 77, which appears elsewhere under an appropriate heading.)

The PRESIDING OFFICER. The Chair suggests to the Senator from Wyoming that he might cut his time down to 5 minutes under the circumstances.

Mr. O'MAHONEY. Mr. President, there have been many new procedures introduced in the Senate since it assembled under the new majority on the 3d of January, but I am frank to say that this is the first time I have ever heard a Presiding Officer undertake to limit a Senator. The only comparable occasion that I can recall was when the former Republican Vice President, the distinguished Mr. Charles Dawes, was sworn in as Vice President. When Senators who were elected that year were about to be sworn in, Mr. Dawes, with a grand gesture, said, "Let them all be sworn in at one time." For some reason or other our friends of the majority seem to think that the whole show belongs to them.

I have made my point clear. I shall endeavor to make my remarks as brief and as succinct as possible, and I hope I shall not trespass upon the indulgence of either the Senator from Missouri or the Chair.

The PRESIDING OFFICER. The fact is, nevertheless, that the Senator from Wyoming is speaking by courtesy of the Senator from Missouri.

Mr. O'MAHONEY. Mr. President, he received unaimous consent of the Senate. But I shall not trespass. I suggest that we are taking up much of the Senate's valuable time by this discussion. I might have concluded.

I was citing the language beginning on page 11:

For the purposes of this section, no judicial or administrative interpretation of the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, or the Bacon-Davis Act, shall have the effect of changing any written or nonwritten contract between the employer and employee so as to make compensable any portal-to-portal activities.

I pause to emphasize that phrase. In line 24, on page 11, we find the phrase "any portal-to-portal activities"; but in line 5, on page 11, the significant words "portal-to-portal" are omitted, and the only word used is "activities." So that the first part of this section is an exemption for employers from any liability under either law to pay overtime or minimum wages for any activity.

Any lawyer attempting to construe this language, any court attempting to construe it, will read those two clauses and compare them, and the inevitable conclusion will be that when the Congress wrote "portal-to-portal activities" in one place and omitted it in another place it had a specific purpose for doing so.

Mr. President, I could take much more time than under the circumstances will be allotted to me to analyze other obvious inconsistencies in this bill, as, for example, the inconsistency to which I alluded a little while earlier during the speech of the Senator from Kentucky [Mr. BARKLEY] in which part II undertakes to refer the reader, the court, the employer, the employee, to a definition of "portal-to-portal activities" in section 5. When we turn to section 5 we find the same language referring back to the section from which we came. So that we have a beautiful "runaround," and we wind up reading all part II without knowing what the authors of the bill had in mind when they talk about portal-to-portal activities.

It seems to me that this is clear reason to support the substitute offered by the Senator from Nevada [Mr. MCCARRAN] and the Senator from Rhode Island [Mr. MCGRATH].

Let me add another word. I am rather inclined to believe that our friends of the majority are acting in panic. The Senator from Missouri [Mr. DONNELL] a little while ago asked the Senator from Kentucky [Mr. BARKLEY] whether or not he thought there was any hysteria abroad in the land. I think there has been considerable hysteria upon the other side of the aisle, both here and in the House of Representatives. It is a hysteria which has been exemplified by the round robin of 16 freshmen Senators who wanted to be consulted in conferences held by the policy committee on the majority side. Hysteria has been indicated by speeches upon the floor—"We are not

doing enough. The Republican Party is falling down. The Republican Party is not carrying out its pledges." Hysteria is expressed in the talk about reducing taxes 20 percent across the board, and cutting expenditures, while at the same time our Republican friends are urging bills which call for additional expenditures for which there has been no budget estimate. There is hysteria promoted by the fact that the majority party made its campaign in November 1946 upon the ground that it was going to cut down the activities of the Federal Government in Washington; and now, though this Congress is less than 3 months old, the record of the Senate and of the House are filled with bills increasing the activities of the Federal Government and increasing the expenditures, and at the same time every financial record which is available to us demonstrates beyond the slightest possibility of contradiction that this country today is enjoying great prosperity.

Last night it was the privilege of a great many Members of the Senate and of the House of Representatives and of the executive departments and of the courts to be the guests of Life magazine at the Statler Hotel, where a motion picture was displayed.

Mr. DONNELL. Mr. President, I assume that the Senator from Wyoming was present at the gathering, last evening, to which he has referred.

Mr. O'MAHONEY. Indeed I was.

Mr. DONNELL. I suggest that it is not necessary to consume the time of the Senate by referring to the Life magazine party of last evening. We are giving consideration to the portal-to-portal bill, and I shall ask the Senator from Wyoming to desist from such remarks and to complete his remarks on the portal-to-portal bill in 2 minutes. At that time I shall take the floor.

Mr. O'MAHONEY. Mr. President, the Senator from Missouri is most generous. I cannot complain at his request, and I shall desist. I referred to the motion picture displayed by Life magazine because it was a visual demonstration to all who were there of the teeming prosperity of the United States. Every part of that picture was a demonstration that the findings of fact submitted by the majority of the committee in connection with this bill are without any basis at all, but simply are findings written in a desire, it seems to me, to cut down what labor has gained.

Mr. President, there has been handed to me an article written by the Reverend George G. Higgins, assistant director of the social action department of the National Catholic Welfare Council. In the article he refers to an article published in the New York Times a few days ago about the tremendously high prices industry is charging and about the necessity for reducing prices and the failure of industry to act. Then he says this:

> Is there any reason to anticipate that American industry will accept Mr. Porter's challenge and take advantage of its 60- to 90-day reprieve? Let's hope there is; but let's also face up squarely to the facts.
>
> One fact that makes for discouragement and pessimism is the outlandish attack currently waged on the Fair Labor Standards Act—an attack which hasn't, as yet, been publicly disowned or disavowed by the National Association of Manufacturers, or by any of the other major business organizations, the very groups to which Mr. Porter is appealing to save the day for industry.
>
> The House of Representatives has already passed H. R. 2157 which, under cover of finding a remedy for the recent flurry of portal-to-portal suits, deliberately goes out of its way to include a series of amendments that would seriously weaken the very substance of the original act.

Mr. President, I ask unanimous consent that the entire article be printed at this point in the RECORD, as a part of my remarks, so that I may thus save time and not impinge upon the extra 2 minutes which the Senator from Missouri has so graciously allowed me.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE YARDSTICK—CATHOLIC TESTS OF A SOCIAL ORDER

(By Rev. George G. Higgins, assistant director, social action department, National Catholic Welfare Conference)

PUBLIC RELATIONS IN REVERSE—PUBLIC-RELATIONS PROBLEM PRESSED UPON MANAGEMENT—NEW RELATIONS WITH WORKERS AND CUSTOMERS SEEN NECESSITATED BY PRICE OUTLOOK

The public-relations problem, to which this headline in the New York Times refers, is the problem which is posed in part by the fact that at the recent convention of the American Management Association in Chicago "everybody, rich, poor, or in-between, was talking about the huge profits being reported and the fat dividend melons being cut by many of the country's large corporations." (Let it be remembered that this was a convention of businessmen and management representatives; there were no trade-unionists around.)

Russel Porter, the enterprising business analyst of the Times, is disarmingly and somewhat unexpectedly frank about the seriousness of the fix in which American industry finds itself today. He is equally outspoken and equally forthright in admonishing the American business community that this is the acceptable time to redeem itself in the eyes of the general public.

THE OTHER FELLOW

"Many businessmen," Mr. Porter says, "concede privately that prices are too high and should be reduced voluntarily and gradually now in order to stop the inflationary spiral and forestall the deflationary one that might follow a forced and sharp break in prices later. But, with a few exceptions, everybody seems to be waiting for the other fellow's prices to be cut first."

It is to be hoped that American businessmen will take Mr. Porter's word for it when he says that "the time is getting close when industry must find an answer to this problem that will satisfy the public." He speaks rather ominously in terms of 60 to 90 days—after which dead line American industry may reasonably expect a show-down. A word to the wise is sufficient, particularly when it comes from the sympathetic typewriter of an acknowledged friend of the system.

According to Mr. Porter the future public relations of American industry will have to be based upon two foundations: Action in the public interest, and full public information. And since actions speak louder than words, the first of these is by far the more important.

FACING THE FACTS

Is there any reason to anticipate that American industry will accept Mr. Porter's challenge and take advantage of its 60- to 90-day reprieve? Let's hope that there is; but let's also face up squarely to the facts.

One fact that makes for discouragement and pessimism is the outlandish attack currently waged on the Fair Labor Standards Act—an attack which hasn't, as yet, been publicly disowned or disavowed by the National Association of Manufacturers, or by any of the other major business organizations, the very groups to which Mr. Porter is appealing to save the day for industry.

The House of Representatives has already passed H. R. 2157 which, under cover of finding a remedy for the recent flurry of portal-to-portal suits, deliberately goes out of its way to include a series of amendments that would seriously weaken the very substance of the original act.

The House bill gives workers only 1 year to file claims under the Fair Labor Standards Act—a statute of limitations unique in American law, since in almost every other type of business proceeding, from three to seven or more years are provided. It also allows workers and employers to settle wage claims under the wages-and-hours law out of court, thereby giving employers—particularly in nonunion shops—an easy way of violating both the spirit and the letter of the original act by settling their damages at bargain rates. Finally, by setting up standards of custom and good faith, it opens for unscrupulous employers a very wide door through which to escape the wages-and-hours law provisions. An employer will be able to argue that his alleged violation of the law was done in good faith, and having established his claim, will thereby become immune to damages.

MOTIVES QUESTIONED

It is asking a lot of human nature to believe that the motives of the proponents of these amendments are sincere. But motives and intentions aside, the fact is that the amendments will inevitably work a further hardship on the substandard workers of the Nation. Instead of improving upon the Fair Labor Standards Act (the present statutory minimum of 40 cents an hour is obviously only a pittence) and instead of facilitating its administration, American industry—if only by its very significant silence—consents to a set of amendments which will almost cut the heart out of the act and will set up almost insurmountable barriers to its effective administration.

Mr. Porter talks about public relations. Well, here it is. This is public relations in reverse. And if this is the best that American industry can do, the show is all over. The NAM will never meet Mr. Porter's dead line. Let's prepare for the show-down.

Come the next convention of the American Management Association, Mr. Porter will probably be writing a column on the text that "there are none so blind as those who will not see." Maybe not—but time's awasting.

Mr. COOPER. Mr. President, will the Senator from Missouri yield to me? I wish to ask a question of the Senator from Wyoming.

Mr. DONNELL. Mr. President, in order that the record may be clear, let me inquire whether the Senator from Missouri has the floor.

The PRESIDING OFFICER. The Senator from Missouri does have the floor.

Mr. DONNELL. I now yield to the Senator from Kentucky [Mr. COOPER], to permit him to ask a question of the Senator from Wyoming; and thereafter I shall yield 2 minutes to the Senator from Wyoming, to permit him to reply to the question.

Mr. COOPER. Mr. President, in his last statement the Senator from Wyoming said that the committee bill destroys or tends to destroy the Fair Labor Standards Act.

Mr. O'MAHONEY. Yes.

Mr. COOPER. I wish to inquire whether the Senator from Wyoming is aware of the provision of the McCarran amendment which goes much further than the committee bill, in that it not only relieves employers of liquidated damages, but also relieves them of unpaid minimum wages and unpaid overtime compensation.

Mr. O'MAHONEY. Yes, Mr. President; I am well aware of that fact, and I am glad the Senator from Kentucky has given me an opportunity to point it out.

The distinction is this: The committee bill not only deals with activities which took place in the past, but it also deals with future activities; whereas the amendment which has been offered as a substitute deals only with portal-to-portal activities which have occurred in the past, prior to the enactment of this bill. That is why I consider it immensely superior to the committee bill.

Furthermore, I say to the Senator, the great defect of the committee bill is its vagueness of language, the use of the expression "portal-to-portal" in some places and its abandonment in other places, the invasion of the field of the Walsh-Healey Act and the Bacon-Davis Act, and the attempt to abolish all future claims which may arise.

Mr. COOPER. Mr. President, with all due regard to the statement which has been made, I shall like to return to my question. If the Senator from Wyoming will read those two sections, I think he will find that the McCarran amendment relates to future claims as well as to past claims, and that it goes much further than the committee bill does, in that the amendment relieves employers of liability, not only for liquidated damages, but also for minimum wages and overtime compensation.

Mr. O'MAHONEY. Mr. President, under the time limitation I cannot take much more time; but I shall ask the Senator from Kentucky, if he will be kind enough to do so, to ask the Senator from Missouri, when he undertakes his hour's speech, to tell the Senate why the words "portal-to-portal" were left out of line 5, before the word "activities," and why the bill proposes to define portal-to-portal activities in section 5, and yet section 5 refers the reader to section 2. I think it will be very illuminating to have some explanation of those points.

Mr. DONNELL. Mr. President, let me inquire to what line 5 the Senator from Wyoming is referring. There are several pages to the bill.

Mr. O'MAHONEY. I refer to line 5, on page 11, which I have mentioned several times.

Mr. DONNELL. Mr. President, I have listened this afternoon with very great interest to the remarks of both the distinguished Senator from Wyoming [Mr. O'MAHONEY] and the distinguished Senator from Kentucky [Mr. BARKLEY], who is the leader of the minority. The Senator from Kentucky, in the concluding portion of his response to an inquiry, stated that he knows Mr. Robert T. Caldwell very well, that he is a warm personal friend of his, and is a lawyer of high standing in Kentucky. It happens, Mr. President, that Mr. Caldwell was one of the witnesses before the subcommittee which had to do with the matter of portal-to-portal pay. I shall quote just a few sentences from the testimony of that gentleman, as to whose ability and, I judge, high standing the senior Senator from Kentucky has spoken this afternoon so eloquently and glowingly. Mr. Caldwell said, as shown at page 380 of the hearings:

> My statement will be directed primarily to a factual discussion of the situation in industry which now exists as a result of the Supreme Court's successive portal-to-portal decisions, culminating with the Mount Clemens Pottery case; a demonstration of the impossibility of the average employer's compliance with the requirements of those decisions; and the urgent necessity of immediate congressional action.

Further, at page 404, I quote one other sentence from Mr. Caldwell's testimony:

> As compared with the disastrous effects on industry generally if these portal-to-portal suits are permitted to be prosecuted in their present form and within existing limitations, it should be noted that no remotely comparable burden will be placed on the employees if they are eliminated.

Mr. President, the senior Senator from Kentucky argues that the legislation as proposed will set aside the action of courts; that it will invalidate claims which, by the Mount Clemens decision, were permitted to be sustained under the very language of the act as being contrary to custom and contract likewise.

I call the attention of the Senate to the fact that in this proposed congressional enactment we are not in the slightest impinging upon the jurisdiction of the judicial department of the Government, for, after all, what body is it in the Government of the United States which declares the policy of the Government? Is it the Supreme Court of the United States, a body of nine men appointed by the President of the United States? Under the last preceding administration so many of those men were appointed that obviously their selection was induced in large part by the opinions of one man, the President of the United States.

I undertake to say that it is wise that the founding fathers of our country placed in Congress, not in the Supreme Court, the power to declare the policy of the United States. I may say further that when some years ago an effort was made to pack the Supreme Court, by a device which was submitted to the Congress, as I recall, by the then President of the United States, there was an uprising of popular indignation from one end of the Nation to the other, because it was believed by the people that the packing of the Supreme Court was an effort to place in the Court the actual policy-making power, to place in the Court, with its final powers of disposition of litigation, the power to determine what should be the economic and, perhaps, financial policy of this Nation.

Mr. MORSE. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. DONNELL. I yield.

Mr. MORSE. I wish to make a parliamentary inquiry, as to whether or not the amendment which I mentioned in the course of my speech night before last is officially before the Senate. In the course of that speech I referred to a proposed amendment to the substitute amendment, on page 3, line 5, an amendment which is in writing and at the desk, proposing to substitute the word "two" for the word "three."

The PRESIDING OFFICER. The amendment has not been stated from the desk. The amendment the Senate is considering is the one offered by the Senator from Nevada [Mr. MCCARRAN] on behalf of himself and the Senator from Rhode Island [Mr. MCGRATH].

Mr. MORSE. With the further indulgence of the Senator from Missouri, may I ask if the junior Senator from Oregon would be in order if he offered the amendment at this time?

Mr. DONNELL. Mr. President, I do not yield for that purpose. May I say that, inasmuch as possibly 20 to 25 minutes of the time which I had at my disposal, having the floor, has already been consumed, I shall request Senators to kindly refrain from interruptions to my remarks? I shall endeavor, at the conclusion, to answer any questions I can answer, but I am sure Senators will realize that we have had, on behalf of the Senators from Nevada and Rhode Island and Kentucky and Wyoming, and possibly others I do not for the moment recall, a very considerable exposition of their views concerning the McCarran-McGrath amendment. I deem it to be my duty, as well as my privilege, to reply to the arguments which have been advanced with respect to that amendment.

Mr. President, in connection with the argument which has been made this afternoon by the Senators who have spoken on the other side, I understand that they take the view generally that, as the Senator from Rhode Island explained it as his opinion the other day, the proposal now before the Senate is "much ado about nothing," or, as he finally stated, after conceding that he had not examined the court files in a single one of the 1,915 cases on file, "much ado," he said, "about little."

Perhaps, before I finish my remarks, I shall discuss whether, after all, the Congress is engaged in the discussion of much ado about little, much ado about nothing, a hysteria that has come over the country; or whether, on the other hand, we should give weight to the opinions of the Under Secretary of Commerce, of the Under Secretary of War, of the Under Secretary of the Navy, and of the man who was at the head of the War Contracts Adjustment Board, handling transactions in the renegotiation of contracts running into excess of $10,000,000,000 of recovery for the United States Government. I ask whether more credence is to be given to the observations from the Senators on this floor, with such glibness as to the hysteria, to "much ado about nothing," or "much ado about little," unaccompanied by any examina-

tion on their part as to the actual facts in the cases from the records of the courts, or whether credence should be given to those men who have studied the matter, the Business Advisory Council, for instance, of the Department of Commerce of the United States. The Department of Commerce is a governmental agency, and it is assisted by this notable Business Advisory Council.

Mr. President, I shall address myself to the amendment of the Senator from Nevada [Mr. McCARRAN] and the Senator from Rhode Island [Mr. McGRATH]. As I see the amendment, it does five things. First, it leaves intact part I of the committee amendment, which is entitled "Findings and Policy."

Second, it contains a section the purpose of which is to eliminate existing claims.

Third, it contains a 3-year statute of limitations.

Fourth, it contains a provision for settlement of existing claims.

Fifth, it contains a section setting forth curative provisions for violations resulting from compliance with a regulation.

The McCarran-McGrath amendment goes no further.

In connection with the findings and policy portion of the committee bill, which portion, I emphasize, the McCarran-McGrath amendment does not attack, I ask unanimous consent that there be inserted in the RECORD at this point a memorandum with respect to eight decisions of the Supreme Court of the United States.

The PRESIDING OFFICER. Is there objection?

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

Block v. *Hirsh* (256 U. S. 135 (1921)): This case dealt with the constitutionality of the 1919 Rent Control Act in the District of Columbia. At page 154 the court, speaking through Mr. Justice Holmes, made the following statement:

"No doubt it is true that a legislative declaration of facts that are material only as the ground for enacting a rule of law, for instance, that a certain use is a public one, may not be held conclusive by the courts *Shoemaker* v. *United States* (147 U. S. 282, 298); *Hairston* v. *Danville & Western Ry. Co.* (208 U. S. 598, 606); *Prentis* v. *Atlantic Coast Line Co.* (211 U. S. 210, 227); *Producers Transportation Co.* v. *Railroad Commission* (251 U. S. 228, 230). But a declaration by a legislature concerning public conditions that by necessity and duty it must know, is entitled at least to great respect. In this instance Congress stated a publicly notorious and almost world-wide fact. That the emergency declared by the statute did exist must be assumed, and the question is whether Congress was incompetent to meet it in the way in which it has been met by most of the civilized countries of the world."

Mulford v. *Smith* (307 U. S. 38 (1939)): This case challenged the constitutionality of the provisions of the Agricultural Adjustment Act of 1938 relating to the tobacco-marketing provisions. At page 42 the Court set out the findings by Congress, as follows:

"Section 311 is a finding by the Congress that the marketing of tobacco is a basic industry which directly affects interstate and foreign commerce; that stable conditions in such marketing are necessary to the general welfare; that tobacco is sold on a national market, and it and its products move almost wholly in interstate and foreign commerce; that without Federal assistance the farmers are unable to bring about orderly marketing, with the consequence that abnormally excessive supplies are produced and dumped indiscriminately on the national market; that this disorderly marketing of excess supply burdens and obstructs interstate and foreign commerce, causes reduction in prices and consequent injury to commerce, creates disparity between the prices of tobacco in interstate and foreign commerce and the prices of industrial products in such commerce, and diminishes the volume of interstate commerce in industrial products; and that the establishment of quotas as provided by the act is necessary and appropriate to promote, foster, and obtain an orderly flow of tobacco in interstate and foreign commerce."

At page 47 the Court, speaking through Mr. Justice Roberts, stated:

"The statute does not purport to control production. It sets no limit upon the acreage which may be planted or produced and imposes no penalty for the planting and producing of tobacco in excess of the marketing quota. It purports to be solely a regulation of interstate commerce, which it reaches and affects at the throat where tobacco enters the stream of commerce—the marketing warehouse."

And again at page 48:

"What has been said in summarizing the provisions of the act sufficiently discloses that definite standards are laid down for the government of the Secretary, first, in fixing the quota and, second, in its allotment amongst States and farms."

Radice v. *New York* (264 U. S. 292 (1924)): This case challenged the constitutionality of a New York statute forbidding night employment of women. The Court stated at page 294 the rule to be as follows:

"Where the constitutional validity of a statute depends upon the existence of facts, courts must be cautious about reaching a conclusion respecting them contrary to that reached by the legislature; and if the question of what the facts establish be a fairly debatable one, it is not permissible for the judge to set up his opinion in respect of it against the opinion of the lawmaker. The State legislature here determined that night employment of the character specified was sufficiently detrimental to the health and welfare of women engaging in it to justify its suppression; and, since we are unable to say that the finding is clearly unfounded, we are precluded from reviewing the legislative determination."

Old Dearborn Co. v. *Seagram Corp.* (299 U. S. 183 (1936)): This case involved the constitutionality of the Federal Trade Act of Illinois. At page 195 the Court said:

"There is a great body of fact and opinion tending to show that price cutting by retail dealers is not only injurious to the good will and business of the producer and distributor of identified goods, but injurious to the general public as well. The evidence to that effect is voluminous; but it would serve no useful purpose to review the evidence or to enlarge further upon the subject. True, there is evidence, opinion, and argument to the contrary; but it does not concern us to determine where the weight lies. We need say no more than that the question may be regarded as fairly open to differences of opinion. The legislation here in question proceeds upon the former and not the latter view; and the legislative determination in that respect, in the circumstances here disclosed, is conclusive so far as this Court is concerned. Where the question of what the facts establish is a fairly debatable one, we accept and carry into effect the opinion of the legislature."

Zahn v. *Bd. of Public Works* (274 U. S. 325 (1926)): This case involved the validity of a zoning ordinance. The Court said at page 328:

"The common council of the city, upon these and other facts, concluded that the public welfare would be promoted by constituting the area, including the property of plaintiffs in error, a zone 'B' district; and it is impossible for us to say that their conclusion in that respect was clearly arbitrary and unreasonable. The most that can be said is that whether that determination was an unreasonable, arbitrary, or unequal exercise of power is fairly debatable. In such circumstances, the settled rule of this court is that it will not substitute its judgment for that of the legislative body charged with the primary duty and responsibility of determining the question."

To the same effect is *Euclid* v. *Ambler Co.* (272 U. S. 265).

Chesboro v. *Los Angeles County Flood Control District et al.* (306 U. S. 459): This case involved a petition for a mandate directing an administrative board to refrain from levying a special assessment on petitioner's property, contending that petitioner's property would not be benefited by the improvements for which the assessment was to be levied. The court said at page 463:

"In the absence of flagrant abuse or purely arbitrary action, the State, consistently with the Federal Constitution, may establish local districts to include real property that it finds will be specially benefited by drainage, flood control, or other improvements therein, and, to acquire, construct, maintain, and operate the same, may impose special tax burdens upon the lands benefited. *Hagar* v. *Reclamation Dist.* (111 U. S. 701, 704–705); *Spencer* v. *Merchant* (125 U. S. 345, 355); *French* v. *Barber Asphalt Paving Co.* (181 U. S. 324, 342). And see *Houck* v. *Little River Drainage Dist.* (239 U. S. 254, 262). And where, within the scope of its power, the legislature itself has found that the lands included in the district will be specially benefited by the improvements, prior appropriate and adequate inquiry is presumed, and the finding is conclusive."

United States v. *Chandler-Dunbar Co.* (229 U. S. 53 (1912)): At page 64 the court said:

"So unfettered is this control of Congress over the navigable streams of the country that its judgment as to whether a construction in or over such a river is or is not an obstacle and a hindrance to navigation, is conclusive. Such judgment and determination is the exercise of legislative power in respect of a subject wholly within its control.

"In *Pennsylvania* v. *Wheeling Bridge Co.* (18 How. 421, 430) this court, upon the facts in evidence, held that a bridge over the Ohio River, constructed under an act of the State of Virginia, created an obstruction to navigation, and was a nuisance which should be removed. Before the decree was executed Congress declared the bridge a lawful structure and not an obstruction. This court thereupon refused to issue a mandate for carrying into effect its own decree, saying:

" 'Although it still may be an obstruction in fact, it is not so in the contemplation of law.' * * * When Congress determined, as it did by the act of March 3, 1909, that the whole river between the American bank and the international line, as well as all of the upland north of the present ship canal, throughout its entire length, was 'necessary for the purposes of navigation of said waters and the waters connected therewith,' that determination was conclusive * * * there is no room for a judicial review of the judgment of Congress that the flow of the river is not in excess of any possible need of navigation."

To the same effect is *United States* v. *Appalachian Power Co.* (311 U. S. 377, 424 (1940)).

Mr. DONNELL. Mr. President, it is claimed that the McCarran-McGrath

amendment—at times I may, for brevity, refer to it as the "McCarran amendment"—is superior to the committee bill from a constitutional angle. The Senator from Rhode Island said this, as appears on page 2249 of the RECORD:

> I do not believe that under the Constitution of the United States the Congress has a right to declare a vested interest or property right in myself or any other American citizen to be null and void. I take it that that would be depriving me of my property without due process of law; and I cannot conceive that it will ever stand up as constitutional in the courts of the land.

Mr. President, I assume that the Senator was referring to the committee bill. Yet I observe with interest that two paragraphs further down he says:

> A substitute amendment has been offered by the Senator from Nevada [Mr. MCCARRAN] and myself. In that amendment we seek to handle the problem of portal-to-portal claims by taking away the statutory right that may exist or any right that may arise by statute for claims that have heretofore accrued. I do not say to the Members of the Senate that I do not entertain some slight doubt as to the constitutionality even of that approach, but at least I am going to say that if that approach is to be questioned it can be questioned on one simple point alone, which can be quickly resolved.

And so, Mr. President, as the doubt about constitutionality still resides in the mind of the Senator from Rhode Island, I am unable to see any material improvement, so far as his opinion is concerned, in the McCarran amendment over the committee amendment. As a matter of fact, the constitutional point that is presented by both the committee measure and by the McCarran amendment is identical, and if one of these proposals is invalid, the other is invalid. Both of them kill the already accrued claims. Both of them take away from persons rights which have accrued, according to the decision by the Supreme Court of the United States. If there is any deprivation of property without due process of law, the McCarran amendment is just as guilty of that deprivation as is the committee amendment.

Again, Mr. President, the Senator from Louisiana [Mr. ELLENDER] was frank to say upon the floor a day or so ago that he could see—I think he said—"no difference," possibly "little, if any, difference," between the two measures as to existing claims. It is only as to the existing claims that any constitutional question can be presented. Likewise, the Senator from Florida [Mr. PEPPER] was equally frank to say, in substance, as I recall, that he could see no difference between the two measures so far as the existing claims are concerned. Even the senior Senator from Kentucky this afternoon conceded in his response to the junior Senator from Kentucky that in his opinion there was no difference.

Then the senior Senator from Rhode Island, with a very interesting but, to my mind, very difficult-of-comprehension argument, immediately persuaded the senior Senator from Kentucky that there was a material and vast difference between the two proposals.

As a matter of fact, Mr. President, these two measures are almost identical in language, certainly in content, with respect to the constitutional question that is presented; and I may say, with, I trust, a somewhat just pride, that the Senator from Nevada and the Senator from Rhode Island have done our subcommittee and the Committee on the Judiciary the compliment to adopt substantially the language we have prepared or caused to be prepared in the committee amendment, so far as existing claims are concerned.

Now, Mr. President, as a matter of fact, as indicated, I think, very clearly in this argument on more than one occasion, the constitutional basis of both these measures is sound under the decisions of the Supreme Court of the United States; for when Congress has power over any field of endeavor, as, for illustration, interstate commerce, to legislate, any person who makes a contract with respect to that subject matter does so subject to the right of Congress to invalidate and set aside not only future contracts but existing and past contracts. So I undertake to say that this alleged improvement of the McCarran amendment over the committee amendment, from a constitutional angle, does not exist. Both of them are valid from a constitutional standpoint, notwithstanding the doubt of the Senator from Rhode Island [Mr. MCGRATH] of the constitutionality of the measure which he himself advocates, which doubt he admits in the RECORD of this Congress.

Mr. President, the Senator from Wyoming [Mr. O'MAHONEY], who this afternoon has expressed himself on the matter—and, by the way, he had not spoken only this once upon the bill; I do not recall how long he spoke the other day, but he expressed himself distinctly at page 2295: The Senator from Wyoming is impressed by the fact that, to quote his comments, "inequities will be imposed by the committee bill upon those who are employed."

Mr. President, I again call attention to the fact that the same identical inequities will be imposed by the McCarran amendment, for there is no substantial difference between the McCarran amendment and the committee bill with respect to the killing of the claims which now exist.

We are told, Mr. President, to quote again from the language of the Senator from Rhode Island, at page 2249, that the committee bill is a misfit and he also cites the fact as he says, that the committee bill is erroneous in including the Walsh-Healey Act and the Bacon-Davis Act within its scope. The expression of alarm with respect to the inclusion of these two acts which has been vividly and dramatically voiced this afternoon by the distinguished senior Senator from Kentucky, I undertake to say, Mr. President, is not justified by the facts. I shall demonstrate in a few moments why it is that the Congress should not adopt an act of this type, without the inclusion of the Walsh-Healey and the Bacon-Davis Acts within its scope.

Notwithstanding the compliment which the Senator from Rhode Island has paid to the bill, over which our subcommittee and the Committee on the Judiciary have worked, certainly conscientiously if not skilfully—notwithstanding the statement of the Senator from Wyoming that the committee bill is a misfit, I respectfully call attention to the fact that his co-author of the amendment now before us [Mr. MCCARRAN], at page 2245 of the RECORD, says that the committee bill—and I quote him—"evidences, throughout its text, the work of highly trained, extremely capable and extremely legalistic lawyers."

Mr. President, it may be that the word "legalistic" is not intended as complimentary, but certainly words "the work of highly trained, extremely capable" indicate that at least to the mind of the Senator from Nevada work of some character has been done upon this measure. I deem to be somewhat in conflict with this compliment paid by the coauthor of the pending amendment the declaration of his colleague from Wyoming that the bill which has been produced after a period of weeks, beginning with the institution of hearings, ending only after nine distinct drafts had been prepared, is a misfit.

Indeed, Mr. President, the distinguished Senator from Nevada goes further in his comment upon the bill, at page 2245, and declares:

> The language of the Senate committee amendment is, in fact, so meticulously drawn that I am confident that many of the things which would be accomplished by it were not comprehended by all members of the Committee on the Judiciary, and were not intended by all the members of that committee who voted for the majority bill.

Mr. President, I have confidence in the ability of the members of the Judiciary Committee of the United States Senate. I undertake to say that when a lawyer of the distinction and standing of the former chairman of the Committee on the Judiciary refers to this measure as being meticulously drawn, it is hardly in accord with and hardly comports with that statement to declare that as a result of the meticulous drawing of the instrument, by men whose work evidences the fact that "they are highly trained and extremely capable," to quote his language, I say it is somewhat at variance to say that, after all, the members of the Committee on the Judiciary cannot understand it.

Mr. President, I want to call attention to one very interesting fact which illustrates what to my mind is so clear that no eye should fail to see it, no ear should fail to hear it; that is that the McCarran amendment was hastily drawn and was not given the thought, by any manner of means, which was given to the committee amendment. Indeed, Mr. President, while I do not have a record of the exact date on which the distinguished Senator from Nevada presented to the committee his first draft of the bill, it was very close to the time when the Committee on the Judiciary was concluding its deliberations. The fact I was going to call to the attention of the Senate as indicative of the haste with which this measure was drawn, is this: It will be recalled that all these Senators have leveled criticism at our inclusion in the committee bill of the Walsh-Healey and

Bacon-Davis Acts; yet, it will be noted that the McCarran-McGrath amendment leaves in the bill, in full force and effect, these significant words of the findings and policy made by our committee, which are found on page 10 of the bill:

The Congress further finds and declares that all of the results which have arisen or may arise under the Fair Labor Standards Act of 1938, as amended, as aforesaid, may (except as to liability for attorney's fees and, in the case of the Bacon-Davis Act, for liquidated damages) arise with respect to the Walsh-Healey and Bacon-Davis Acts and that it is, therefore, in the national public interest and for the general welfare, essential to national defense, and necessary to aid, protect, and foster commerce, that said Walsh-Healey Act and said Bacon-Davis Act be amended, as hereinafter set forth.

Mr. President, one of two things is true: Either that the Senator from Nevada and the Senator from Rhode Island failed to observe, due to the haste with which their amendment was prepared, the fact that they had left in the bill the language which I have read or else they did not dare to move upon the floor of the Senate to strike out language of such significance and importance as that with which our findings and policy are concluded.

Mr. President, I may say also that the McCarran-McGrath amendment, which is now before the Senate, was never presented to the Committee on the Judiciary. We had the benefit, as I have stated—and as the Senator from Kentucky [Mr. COOPER] has stated—of quite material suggestions of importance and interest by the Senator from Rhode Island. I would not say that the Senator from Nevada did not give some suggestions, but I will say that because of his absence from the city for a week or so, and because of the fact that he was not on the subcommittee, I presume we did not have the benefit, as my colleague from Kentucky has stated, of his suggestions and assistance, which would have been very helpful doubtless, and which we should have very greatly welcomed, until very near the conclusion of our deliberations and work. The amendment which was finally presented to the Committee on the Judiciary in the private office of the Senator from Wisconsin [Mr. WILEY], the chairman of that committee, by the Senator from Nevada [Mr. MCCARRAN] and Mr. Sourwine, former counsel for the committee, is not the amendment which is now before the Senate. The amendment which was then presented did go into the future; it did not stop with the past, but went into the future and undertook to legislate to give the Wage and Hour Administrator the right to make rules and regulations and prescribed the standards which he should follow.

Mr. President, the amendment offered by the Senator from Nevada and the Senator from Rhode Island as a contrast to the bill prepared by the committee after hard work and diligent effort should not receive the favorable consideration of the Senate. It has been contended here most eloquently that the committee bill—and I quote again from the Senator from Nevada:

Thoroughly emasculates the Fair Labor Standards Act.

And a statement by the Secretary of Labor was produced, excerpts from which read:

As a matter of fact, the language and phraseology of H. R. 2157 are open to a construction that would vitally affect the future enforcement of the Fair Labor Standards Act.

I call attention to the fact that that is a very guarded statement. There is no statement there that the language and phraseology of the committee bill are such as to constitute a vital effect upon the enforcement of the Fair Labor Standards Act.

They are open, says the Secretary—

To a construction that would vitally affect the future enforcement of the Fair Labor Standards Act.

Then, proceeds the Secretary:

Under some of the terms of the bill, the millions of workers who are unorganized and without the benefit of union protection would be deprived in the future of many of the protective provisions of the present Fair Labor Standards Act.

Mr. President, I should like to call attention to the fact that under date of January 15 there was sent to the Secretary of Labor by myself a letter, which I ask to have incorporated at this point in the RECORD as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 15, 1947.

SECRETARY OF LABOR,
Washington, D. C.:

DEAR MR. SECRETARY: On January 10, 1947, there was appointed by Senator WILEY, of Wisconsin, chairman of the Senate Committee on the Judiciary, a subcommittee the members of which, who were so appointed by him, being Senator COOPER of Kentucky, Senator EASTLAND of Mississippi and myself.

Senator WILEY is ex officio a member of said subcommittee. I was designated as chairman of the subcommittee. Attached is copy of statement made to the Senate on January 13, 1947, by myself.

The subcommittee would be pleased to have a representative of your office appear before it. Please see that the office of the Committee on the Judiciary is notified as to whether or not such representative will appear. If such representative will appear, the office of said committee will be pleased to arrange a time at which the appearance shall occur.

Yours very truly.

Mr. DONNELL. The concluding paragraph of the letter reads:

The subcommittee would be pleased to have a representative of your office appear before it. Please see that the office of the Committee on the Judiciary is notified as to whether or not such representative will appear. If such representative will appear, the office of said committee will be pleased to arrange a time at which the appearance shall occur.

I call attention, also, Mr. President, to the fact that 2 days later, namely, January 17, a similar letter went to Mr. L. Metcalfe Walling, Administrator of the Wage and Hour and Public Contracts Division, which, as I understand, is within the Department of Labor. I may say that the Secretary of Labor did not appear before our committee. Mr. Walling did appear. I made inquiry this morning of the Undersecretary of Labor, former Governor Keen Johnson, of Kentucky, a friend of mine whom I have known for some years, and he informed me that Judge Schwellenbach, the Secretary of Labor, immediately upon receipt of my letter, directed Mr. Walling to appear before our subcommittee.

Mr. President, I do not criticize the Secretary of Labor. I realize fully that he doubtless thought that Mr. Walling, being in charge of this work, was the man most qualified to come before the subcommittee, and I do not in any sense criticize Judge Schwellenbach. But the fact is that here on yesterday comes forth a criticism of the bill, a criticism emanating, so it appears, from the Secretary of Labor, who did not come before the subcommittee and did not send anyone from his office, other than the man to whom a separate invitation or letter had gone forward, as I have indicated, namely, Mr. Walling.

Mr. President, now although the distinguished Senator from Nevada imputes this evil result to the legislation, namely, that it emasculates the Fair Labor Standards Act, yet I observe with very much interest and appreciation that at page 2244 of the RECORD he absolves completely the members of the Committee on the Judiciary and of the subcommittee, I believe, and all Members of the Senate, from any such evil intention. The Senator said:

Let me make it clear, Mr. President, that I do not now charge—

I do not know whether he intends to do so in the future, but he has not so far—

Let me make it clear, Mr. President, that I do not now charge that the majority has an intention to repeal or emasculate the Fair Labor Standards Act, or that the Judiciary Committee of the Senate has any such intention, or that any particular Member of the Senate has any such intention. What I do say is that this committee bill, now before us, will accomplish that result; and if the bill is passed, by the votes of the majority, the majority will have to take the responsibility.

Mr. President, I may say two things: I am pleased to observe that the Senator has absolved us from the evil intent of emasculating the Fair Labor Standards Act, though it is somewhat incongruous that after having admitted, as he has, the careful training and obvious ability of those who drew the bill, he now charges that inadvertently, and without realizing what they were doing, they had so seriously injured and wounded and maimed the Fair Labor Standards Act as to emasculate all the beneficial features of that act.

Mr. President, what are the facts?

Mr. MCCARRAN. Mr. President, will the Senator yield?

Mr. DONNELL. I will yield for a moment. It is only 30 or 31 minutes until 3 o'clock, and I have declined to yield to other Senators.

Mr. MCCARRAN. Very well, if the Senator has heretofore declined to yield I shall not urge him to yield. I have a telegram here the context of which I wanted to get into the RECORD.

Mr. DONNELL. Is it extensive?

Mr. MCCARRAN. No; it is only a few lines.

Mr. DONNELL. Would the Senator be kind enough to place it in the RECORD

later? I should like to continue with my remarks, if the Senator please.

Mr. McCARRAN. The telegram bears on what the Senator was saying, but I shall defer.

Mr. DONNELL. Very well.

Mr. President, what are the facts with respect to these measures? As I have indicated first, as to past claims, those as to which this constitutional objection may be made and at which it will be leveled, both the committee bill and the McCarran-McGrath amendment do the same thing. Both of them provide in substance that no activities at any time during the day, from one end of the day to the other, the whole 24-hour period, shall be compensable unless by express provision of a contract or by custom or practice not inconsistent with such contract.

Mr. President, if one of these measures emasculates the Fair Labor Standards Act as to the past, the other does so to the identical extent. The two proposals vary quite decidedly with respect to the provision authorizing settlement of claims. Our bill does not provide for the possibility of making settlements unless section 2 of the bill shall be declared invalid. That is the section which deals with past claims and undertakes to kill the portal-to-portal suits. As I say, our bill does not provide for the possibility of making settlements unless that section is declared invalid. On the other hand, the McCarran amendment permits immediate settlements prior to action by the courts, which would make it possible for contractors and other employers to make settlements and then shift to the United States Government the ultimate burden of such settlements in the event cost-plus contracts were involved in the case of war contractors, and to the extent of recoverable taxes in the case of any company or manufacturer which might have to pay any of such claims, or should pay them, and then be entitled to recover taxes from the Government. So if the McCarran plan of authorizing settlements now should be adopted, in my judgment, it would mean in many instances that the taxpayer would ultimately pay the bill for the settlement of such claims which might be made between the employer and the employee.

I take it that it is advisable, as is provided in our bill, not to open a field day for settlement, in which employers can afford to be liberal with employees and perhaps obtain new labor contracts, as perhaps the Dow Chemical Co. did. It paid out $4,500,000 and obtained a new labor contract. I do not know whether there was any connection between the two events or not. The employer would be able to negotiate a new contract without the prospective advance in wages which had been previously planned. The result would be that the taxpayer would pay for the settlement to the extent of recovered taxes, which I understand, in the case of the Dow Chemical Co., represents 57 or 58 cents on each dollar of settlement.

As I have indicated, the McCarran amendment does not deal with future claims. Our bill does. Our bill goes into the future; and in a very few minutes I shall discuss what the committee bill does as to the future, and why it does it.

First let me invite the attention of the Senate to the fact which was mentioned by my colleague on the subcommittee [Mr. COOPER] a few minutes ago. The McCarran provision contains language with respect to what is called curative provisions for violations resulting from compliance with regulations. It is to the effect that if an employer can satisfactorily show by competent evidence that his failure to pay minimum wages or overtime compensation under the act was occasioned by his adherence, prior to the time of the publication of a succeeding written interpretation or regulation, to a written interpretation or regulation of the Administrator, he shall not be liable for the claim. As the Senator from Kentucky pointed out, this provision means—and I want labor to understand this—that if the employer can show satisfactorily by competent evidence, whatever those words mean—that his action was occasioned by adherence to a regulation in writing of the Administrator, he escapes not only liquidated damages, double damages, but also liability for payment of the difference between the amount which he paid and the minimum required by statute.

Let me illustrate. Under the McCarran amendment if the employer had relied on the ruling of the Administrator that he, the employer, was not under the Fair Labor Standards Act, and thereafter paid his employees only 25 cents an hour and worked them 50 hours a week, the employer would not subsequently have to pay them the Fair Labor Standards Act minimum of 40 cents and overtime for time in excess of 40 hours a week.

I say that this provision in the McCarran amendment is a bad mutilation of the Fair Labor Standards Act. What does our bill do? Our bill merely provides that if an employer acts in good faith on a written regulation or ruling of the Administrator, he shall not be liable either for a criminal penalty or for the payment of liquidated damages, which are double the amount required by the statute to be paid in the event of violation. As the Senator from Kentucky has so clearly pointed out this afternoon, this provision in the McCarran bill is a strong, vigorous attack upon the provisions of the Fair Labor Standards Act. It would enable an employer, if he could prove satisfactorily by competent evidence that he had relief upon such a ruling, to escape not merely liability for liquidated damages, not merely the liability of going to jail or paying a fine, but also payment of the difference between the wages which he paid and the minimum required under the act. As I have stated, as to past claims our bill would have the same results as would the McCarran amendment.

As to the future, I point out the fact that our bill leaves untouched the workday proper, or what I may roughly term the time between whistle time in the morning and whistle time in the afternoon. During that period any rights of labor under the Fair Labor Standards Act remain unaffected. Using the same illustration which I used the other day, considering the quadrilateral formed by the speaker's stand before me as the workday, that is not affected by our bill. We seek to legislate only with respect to activities preceding the workday and following the workday.

This provision of our bill was due in large part—I think I may say almost entirely—to the point which was made in my office by Mr. Cotton, the assistant counsel of the CIO, and Mrs. Peterson, of the Amalgamated Clothing Workers organization. They pointed out that if as to the future we undertook to legislate and wipe out the compensation for iniquitous practices of an employer, we would be doing tremendous damage to labor. To illustrate, if we had made our bill applicable in the future to a situation in which a woman sat in a production line waiting for 2 hours while materials did not come, and under the custom of the employer and under his contract no compensation was to be paid the employee, if we were to legislate in such a way that she could not recover compensation for that time without a contract or custom, we would be perpetuating and making valid by law an iniquitous practic which in our judgment it is not proper to perpetuate or make valid.

So we changed our plan. Because of the representations made to us on behalf of labor, our bill, as to the future, seeks to legislate only with respect to preliminary and postliminary activities, such as walking to the actual place of work, and also activities preliminary to or postliminary to the principal activity or activities of the employee. It is in this field—notably with respect to preliminary activities—that the decision in the Mount Clemens case has caused a deluge of unexpected litigation. With respect to those items, that is to say, the preliminary activities and the postliminary activities, before the begining of the workday and after the end of the workday, we submit that there is no injustice in saying that before a person shall be entitled to recover compensation for such preliminary or postliminary activities he must show that he is entitled thereto either by contract or by custom or practice not inconsistent with the contract.

Mr. President, there are in the committee bill several exceedingly important provisions which the McCarran amendment does not contain. In the first place, in section 4 of our bill, we included a provision to cover the contingency in the earlier portion of section 2, the portion under which the existing claims for portal-to-portal suits are killed. In that portion of our bill known as section 4 we have put in a provision, with certain alternative provisions, which would apply only in case the earlier portion should not be sustained as valid.

I undertake to say, Mr. President, that there is no confession in the slightest degree of the unconstitutionality of our measure. As I have indicated, both the McCarran amendment and the committee amendment are, according to the language of the Supreme Court of the United States, in my judgment, consti-

tutional. The fact is that there undoubtedly is the probability, if not the certainty, of litigation with respect to this measure, and it is only the better part of judgment to provide that in the event the courts should hold the measure to be unconstitutional, should sustain, for illustration, the position of the Senator from Rhode Island [Mr. McGRATH], who regards our bill as unconstitutional and his own as being of doubtful constitutionality—I say it is only the better part of wisdom to incorporate provisions which will say, in effect, that if we cannot kill the portal-to-portal suits we shall at least do as much as is within our power toward removing the unjust advantages which the holders of those claims possess under the statute. The McCarran amendment does not contain such a provision. Our bill does. For that reason, as well as for other reasons, I think our bill is preferable.

With respect to limitations, our bill contains a 2-year limitation. The McCarran amendment contains a 3-year limitation. I expressed the view in the earlier discussion of this matter that the question of whether the limitation shall be 2 years or 3 years is one upon which there may be a just difference of opinion, but I call attention to the fact that last year, in Report No. 1395, which was submitted to the Senate by the Senator from Nevada [Mr. McCARRAN] from the Committee on the Judiciary with respect to bill H. R. 2788, the distinguished Senator from Nevada himself advocated the adoption of the measure which in that case required that all causes of action accruing after the enactment of the law be limited to 2 years. In other words, on May 29, 1946, the Senator from Nevada, who now argues so strenuously in favor of a 3-year limitation, advocated a 2-year limitation, which is contained in the bill reported by the committee.

I call attention also to the fact that although the distinguished Senator now criticizes the use of the words "good faith" without definition in our bill, in the report which he filed on May 29, 1946, he approved legislation which would provide protection "to all persons who have in good faith relied upon any regulation, order, or administrative practice."

Mr. MALONE. Mr. President, will the Senator yield?

Mr. DONNELL. I yield to the Senator from Nevada.

Mr. MALONE. Mr. President, I shall vote for the bill as represented by the committee amendment, without further amendment, first, because I believe, with my distinguished colleague, the Senator from Missouri [Mr. DONNELL], that the bill has been carefully drawn and will prevent obvious abuses; second, that it does lay the foundation for collective bargaining upon the points at issue.

I agree with Mr. Justice Burton in his dissenting opinion, in which he said:

> The amounts at issue * * * might not average as much as 5 to 10 minutes a day a person and would not apply at all to many of the employees. None of this time would have been spent at productive work. The futility of requiring an employer to record these minutes and the unfairness of penalizing him for failure to do a futile thing by imposing arbitrary allowances for "overtime" and liquidated damages is apparent.
>
> While conditions vary widely and there may be cases where time records of "preliminary activities" or "walking time" may be appropriate, yet here we have a case where the obvious, long-established and simple way to compensate an employee for such activities is to recognize those activities in the rate of pay for the particular job. These items are appropriate for consideration in collective bargaining. * * *
>
> In interpreting "workweek" as applied to the industries of America, it is important to consider the term as applicable not merely to large and organized industries where activities may be formalized and easily measured on a split-second basis; the term must be applied equally to the hundreds of thousands of small businesses and small plants employing less than 200 and often less than 50 workers, where the recording of occasional minutes of preliminary activities and walking time would be highly impractical and the penalties of liquidated damages for a neglect to do so would be unreasonable. Such a universal requirement of recording would lead to innumerable unnecessary minor controversies between employers and employees. "Workweek" is a simple term used by Congress in accordance with the common understanding of it. For this Court to include in it items that have been customarily and generally absorbed in the rate of pay but excluded from measured working time is not justified in the absence of affirmative legislative action.

Mr. President, to claim back pay for time expended not previously considered compensable by either employee or employer is so patently not in the public interest as almost to preclude serious discussion.

In our western metal mines we know little of portal-to-portal pay or discussions. We do, however, understand the collar-to-collar shift. I have worked in such mines, and so far as I am concerned, when one steps into an ore bucket and disappears underground, he is at work.

This bill, in my judgment, covers the points at issue. First, it precludes any claims not contemplated by either employee or employer when the contract for employment is consummated.

Second, it leaves all such matters, including the collar-to-collar shift and rates of pay, to future collective bargaining, as suggested by Mr. Justice Burton in his dissenting opinion, to which I unqualifiedly subscribe.

Mr. DONNELL. Mr. President, the Senator from Wyoming [Mr. O'MAHONEY] made the statement that, in his judgment, this bill would not benefit small business a penny's worth, or some such expression. The distinguished former chairman of the Committee on the Judiciary subscribed last year to a 2-year statute of limitations—the same as our bill provides—and at that time he said that bill would be particularly beneficial to small employers.

As has been frequently said, the McCarran amendment does not contain any provision as to future claims. Why is it advisable to legislate as to future claims? I take it, Mr. President, that the answer is clear and conclusive.

I call attention to the fact that in the report submitted by the Senator from Nevada [Mr. McCARRAN] to accompany House bill 2788, the Senator from Nevada subscribed to the following doctrine in referring to a measure which provided a 2-year statute of limitations and extended protection to all persons who had in good faith relied upon any regulation or order or administrative ruling, and so forth:

> This legislation will be particularly beneficial to small employers. They generally do not have the large legal staff necessary to keep them posted daily on the volume of administrative regulations, rulings, and interpretations issued by Government bureaus. These regulations are the law under which the employer is expected to operate—

And so forth. So, Mr. President, although yesterday in a somewhat offhand statement one Senator—I believe it was the Senator from Wyoming—stated that, in his judgment, this bill would not benefit small employers a nickel's worth or a penny's worth—or the Senator used some similar expression—yet last year the Senator from Nevada [Mr. McCARRAN] advocated the enactment of a bill providing a 2-year statute of limitations, as does our bill, and in that respect the Senator from Nevada said:

> This legislation will be particularly beneficial to small employers.

Mr. President, there should be certainty, as nearly as possible, as to what preliminary activities are compensable. The best way to arrive at certainty is by contract or custom, rather than to allow future unexpected and surprising liability to be corrected as it was in the Mount Clemens case "regardless of custom or contract."

Some may say that that case has exhausted all the realm of human probabilities in connection with portal-to-portal activities. I see across the aisle the distinguished Senator from New Mexico [Mr. HATCH] who brought to the subcommittee a witness from the potash industry. He called attention to the fact that in that industry in New Mexico, suits embracing millions of dollars have been filed; and one point involved in the case was that 70 minutes each day is required in riding back and forth to and from the potash mine, and that therefore the persons who ride are entitled to time and a half multiplied by two, for the time consumed in riding.

Mr. HATCH. Mr. President, will the Senator yield to me?

Mr. DONNELL. I yield for 2 minutes.

Mr. HATCH. I merely wish to tell the Senator from Missouri, if he does not already know it, that the travel-time claim about which he has been speaking has been eliminated by the Federal district judge in New Mexico.

Mr. DONNELL. I thank the Senator for that information. I was not aware of it. However, the ruling to which I had referred is so obviously ridiculous and beyond reason that it seemed incomprehensible that it should have remained in effect.

Mr. President, it is only common sense to put down in black and white in this measure the requirements which a person must observe. It is only common sense to require that before he is entitled to obtain recovery he shall be required to show a contract or a custom under which he is entitled to the recovery he seeks.

My time is almost at an end, but I wish to pay brief attention to the Bacon-Davis Act and the Walsh-Healey Act. The

McCarran-McGrath amendment does not include reference to the Bacon-Davis Act or the Walsh-Healey Act, although, as I have stated, and I now repeat for the benefit of Senators who have since entered the Chamber, the drafters of the McCarran-McGrath substitute perhaps unwittingly omitted including the provision of our bill which states:

It is, therefore, in the national public interest and for the general welfare, essential to national defense, and necessary to aid, protect, and foster commerce, that said Walsh-Healey Act and said Bacon-Davis Act be amended, as hereinafter set forth.

Mr. President, those two acts should be included. In the first place, it is true, of course, that few suits, if any, have been filed hitherto under the Bacon-Davis act or the Walsh-Healey Act. The reason is clear. It is that under those acts all a man can recover is the amount of wages to which he is entitled. Under those acts no one is entitled to recover liquidated damages equal to the amount of wages to which he was entitled. However, Mr. President, two facts should be noted. In the first place, great difficulties may develop for employers in the future, under the Fair Labor Standards Act, because in the case of war contracts, there is great doubt whether suits, even though nominal, against employers are in fact against the Government, and obviously under the Fair Labor Standards Act a suit cannot, by the express provisions of that act, be maintained against the Government.

Furthermore, it may well be held that suits may not be filed and successfully maintained by employees who were working on war contracts, because interstate commerce might not be involved in such suits. There is now in existence a subcommittee of this body which has been looking into the fact that at one time the Attorney General directed that these two defenses—namely, the absence of the interstate commerce element and the fact that the Government is the real party in interest—be made. We find this interesting testimony by Mr. McGregor in the course of the hearings:

Now, the Department has, itself, defended a number of cases. I pointed out several here, defended on the grounds that employees whose activities related solely to new and original construction were not engaged in commerce or production of goods for commerce.

Senator MOORE. Will you repeat that, please?

Mr. MCGREGOR. I say, the Department has been successful in defending a number of cases on the ground that the employees whose activities related solely to new and original construction were not engaged in commerce and the production of goods for commerce.

In a number of other cases the Department has sustained the burden of proving that the plaintiffs were employed in a bona fide executive, administrative, or professional capacity within the meaning of the exemptions established by section 12 (a).

Mr. President, suppose the Congress enacts the pending bill but does not include its references to the Walsh-Healey and Bacon-Davis Acts. Then a man who files suit under the Fair Labor Standards Act will find such suit canceled and nullified by the action of Congress. What will he do then? If he is an employee working in a plant which makes any material for the benefit of the Government, and which comes under the Walsh-Healey Act, he will join with other employees in requesting—yes, demanding—of the Secretary of Labor that a suit be filed for his protection under the Walsh-Healey Act because he has lost his protection under the Fair Labor Standards Act.

Mr. President, to abandon the protection of the Walsh-Healey Act and the Bacon-Davis Act would be the part of absolute mistake, and would be the poorest sort of judgment. Why did the House of Representatives include it? I understand that some jurisdictional point was involved. I do not know the full details regarding it, but I undertake to say that, whether wittingly or unwittingly, they placed in the bill a wholesale protection for the Government of the United States which we would be foolish indeed to leave out of our bill.

Mr. President, I wish to say that we approach this problem with a materially different point of view from that of the Senator from Rhode Island. As I have indicated, yesterday he said that this is "much ado about nothing" or "much ado about little." The Senator from Florida [Mr. HOLLAND] yesterday rather eloquently proclaimed, in substance, that this is a large hullabaloo—I have forgotten the exact words he used, and I do not have before me at the moment a notation of what they were.

We find it to be true, of course, as appears in this morning's newspapers, that one suit has been dismissed. But that is only one suit out of 1,915. It was dismissed yesterday or the day before. That was a suit against the Westinghouse Co., and was in the amount of approximately $2,000,000. I hold in my hand a telegram which I have received from Fort Smith, Ark., from the Athletic Mining & Smelting Co., Raymond F. Orr, president. It reads as follows:

On March 11, 1947, suit was filed against our company in Joplin, Mo., by "individuals, members, and officials of International Union of Mine, Mill, and Smelter Workers, CIO, as agents and representatives of certain employees of defendant and for and in behalf of all employees similarly situated." Total amount claimed in this portal suit asking damages since 1938 is $600,000, plus attorneys' fees and interest. Our company has operated a zinc smelter at Fort Smith, Ark., since 1917. Our net worth or working capital, comprising all quick assets less current liabilities, is $289,000. This suit just filed is for twice our net worth and could mean bankruptcy to us and loss of jobs and wages to workers. We and others desperately need protection against such legalized hijacking.

ATHLETIC MINING & SMELTING CO.,
RAYMOND F. ORR, *President*.

Mr. President, I shall conclude my remarks with this one statement: Here we have on the one hand Senators who tell us that this is "much ado about nothing" or "much ado about little," and they pooh-pooh the seriousness of the situation; and, on the other hand, we have the Department of Commerce, the Under Secretary of War, the Under Secretary of the Navy, a representative of the Maritime Commission, and other important officials who take a contrary view. Which shall we take?

We are not here legislating against labor. We have given every possible consideration, I think, that it is reasonable to request to the representatives of labor. We have been materially piloted and charted in our method of drafting the bill by the representatives of labor. We are here, as are all Senators, not for labor as a class or for management as a class; but we are legislating for the public of the United States of America.

Mr. President, I ask that the McCarran-McGrath amendment be rejected, and that the committee amendment be adopted.

Mr. BUTLER. Mr. President, I have necessarily been absent from the Senate during the time this question has been under debate. I have prepared a short statement which gives my position on it. I ask unanimous consent that the statement may be placed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY HUGH BUTLER (REPUBLICAN), OF NEBRASKA, REGARDING H. R. 2157, PORTAL-TO-PORTAL BILL, MARCH 21, 1947

Mr. President, a few days ago when S. 70 the Senate Judiciary Committee's portal-to-portal bill was on the calendar, I had printed an amendment to be proposed on the floor. This amendment was a simple one. It contained virtually the same language found in section (2) (e) of H. R. 2157, which is now before us, in the form in which it was passed by the House of Representatives last week by the overwhelming vote of 345 to 56. I had changed the language of that bill only slightly, to make it applicable particularly to the Fair Labor Standards Act of 1938 because S. 70 purported to deal only with that act.

My amendment was intended to accomplish only a purpose which the Senate and House of Representatives both approved last year, the purpose of removing danger of suits from employers who acted in good faith under an administrative regulation which later was found invalid by the Supreme Court (case of *Addison* v. *Holly Hill Fruit Products*, decided June 5, 1944). Last year both the Senate and the House passed H. R. 2788, but in slightly different language. Final passage of the legislation in the House failed only because of the last-minute drive for adjournment. The House again has overwhelmingly approved such legislation, and I proposed that it be incorporated in S. 70, both because it is appropriate in this bill and because of the delay that might occur if we did not consider it at that time.

Because of my long experience in the grain business and my intimate contact with country grain elevators, I know the threat that exists for many of the men in that business unless Congress acts to take away an unjust threat. Since 1938 they have relied upon the definitions issued, as provided by law, by the Administrator of the Fair Labor Standards Act of 1938, on the area of production. Under the Administrator's definition these employers in country grain elevators were assured that their employees were exempt from the minimum wage and maximum hours sections of the act if they were doing the work specified for that exemption. Many, if not all, of these employers were paying over the minimum wage, but due to the peculiar demands upon a country elevator by its farmer customers, employers were not required to consider overtime.

The Administrator had made his definition of area of production partly upon the

basis of the number of persons employed in an establishment, and it was this restriction as to number of employees which the Supreme Court in 1944 held invalid. The Court ordered that a new definition be prepared by the Administrator, and that this new definition be retroactive in effect. The Administrator did not issue his new definition until December 24, 1946, and that definition placed under coverage of the act many employees whom the Administrator's previous rulings had held to be exempt.

So here is the simple situation: An employer in a country elevator who gave full faith to the earlier definitions of the Administrator of an agency set up by Congress, now finds himself in jeopardy of suits for overtime back pay as far back as the statute of limitations will allow. If this situation is allowed to stand, some of these operators of these small country business units could be threatened literally with financial ruin through suits for back overtime pay. Even the Administrator of the act admits the unfairness of this situation. I estimate that approximately 700 of these country elevators have been thrown back under the act by the Administrator's latest definition, and that these affected operators are rather evenly scattered throughout the surplus grain-producing areas. The definition now is based in large part upon the population of a town where the elevator is located, and this is a restriction not covered by previous regulations.

Essentially, all that my amendment tried to accomplish was to provide that if an employer relied on a ruling or interpretation of the Administrator, he would be protected and any change in ruling or definition would not operate retroactively. I was afraid that if this amendment were not adopted, it might be some time before we could give the legislative relief which these people need.

Since my amendment was prepared the whole situation has changed. The bill which had been reported by the Senate Judiciary Committee was withdrawn for further study by the committee, and the House bill (H. R. 2157) was reported with an amendment which gave effect to part of what I had in mind. Then my colleague the Senator from Nebraska [Mr. WHERRY] proposed and secured adoption of an amendment which removed the threat of punishment or suits for liquidated damages against employers acting in good faith. The principal difference between the Senate and House versions of the bill now appears to be that the Senate bill would still permit suits for recovery of wages against such employers while the House bill bars such suits entirely. I am not informed whether an additional amendment will be presented in the Senate to give employers the same protection they receive under terms of the House bill. Speaking for myself, I believe the House version is preferable, and I hope it may be adopted in conference. On that basis, I will not press for further consideration of my proposal at the present time.

The PRESIDENT pro tempore. The hour of 3 o'clock having arrived, all debate is concluded.

Mr. DONNELL. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is suggested, and the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Byrd	Ecton
Baldwin	Cain	Ellender
Ball	Capper	Ferguson
Barkley	Chavez	Flanders
Brewster	Connally	Fulbright
Bricker	Cooper	George
Bridges	Donnell	Green
Brooks	Downey	Gurney
Buck	Dworshak	Hatch
Butler	Eastland	Hawkes
Hayden	McKellar	Saltonstall
Hickenlooper	McMahon	Smith
Hill	Magnuson	Sparkman
Hoey	Malone	Stewart
Holland	Martin	Taft
Ives	Maybank	Taylor
Jenner	Millikin	Thomas, Okla.
Johnson, Colo.	Moore	Thomas, Utah
Johnston, S.C.	Morse	Thye
Kem	Murray	Tobey
Kilgore	Myers	Umstead
Knowland	O'Conor	Vandenberg
Langer	O'Daniel	Watkins
Lodge	O'Mahoney	Wherry
Lucas	Overton	White
McCarran	Pepper	Wiley
McCarthy	Reed	Williams
McClellan	Revercomb	Wilson
McFarland	Robertson, Va.	Young
McGrath	Russell	

The PRESIDENT pro tempore. Eighty-nine Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. MCCARRAN] on behalf of himself and the Senator from Rhode Island [Mr. MCGRATH].

Mr. DONNELL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MCCARRAN. Mr. President, the Senator from Rhode Island [Mr. MCGRATH] and I desire to perfect our amendment by striking out in line 5, page 3, the word "three" and inserting the word "two."

The PRESIDENT pro tempore. The amendment will be perfected as indicated.

The question now is upon the amendment submitted by the Senator from Nevada [Mr. MCCARRAN] and the Senator from Rhode Island [Mr. MCGRATH] as perfected. The amendment will be stated.

The CHIEF CLERK. It is proposed beginning in line 19, on page 10, to strike out all down to and including line 2, on page 23, and insert in lieu thereof the following:

PART II

EXISTING CLAIMS ELIMINATED

SEC. 201. The second sentence of subsection 16 (b) of the Fair Labor Standards Act of 1938 is amended to read as follows: "Action to recover such liability may be maintained in any court of competent jurisdiction by any one or more employees for and in behalf of himself or themselves and other employees similarly situated; such action shall be deemed to have been commenced as to any individual claimant as of the date when such claimant is named in such action as a party thereto; and no employee shall be made or deemed a party plaintiff to any such action until his consent in writing to become such a party is filed in the court in which such action is brought: *Provided*, That no employee shall have any statutory right of recovery under this act based on any claim for unpaid minimum wages or unpaid overtime compensation or liquidated damages to the extent that such claim involves such activities of an employee engaged in prior to the effective date of this proviso as were not compensable working time under either (1) an express provision of a written or nonwritten contract in effect, at the time of such activity, between such employee, his agent, or collective-bargaining representative and his employer or (2) a custom or practice not inconsistent with any such contract in effect at the time of such activity at the establishment or other workplace where such activities were performed."

SEC. 202. Section 16 of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof three new subsections, as follows:

"STATUTE OF LIMITATIONS

"(c) No action under this act for unpaid minimum wages, or unpaid overtime compensation, or liquidated damages, shall be brought or maintained unless commenced within 2 years after the cause of action accrued or, if such cause of action accrued prior to the date of enactment of the Portal-to-Portal Act of 1947 and such action is brought before the expiration of the period of 180 calendar days next following such date, then within the period of any applicable State statute of limitation: *Provided*, That this section shall not be construed to revive or extend any action which otherwise would have been barred by any statute of limitation applicable to such action.

"SETTLEMENT OF CLAIMS

"(d) Settlement, compromise, release, or satisfaction of any claim under this act, for unpaid minimum wages, unpaid overtime compensation, or liquidated damages, accrued before the date of enactment of this subsection shall be a defense thereto and any other appropriate legal or equitable defense may be pleaded in defense of such claim.

"CURATIVE PROVISIONS FOR VIOLATION RESULTING FROM COMPLIANCE WITH A REGULATION

"(e) In any judgment hereafter rendered by any court of competent jurisdiction involving a claim under this act, accrued prior to the date of enactment of the Portal-to-Portal Act of 1947, for unpaid minimum wages, unpaid overtime compensation, or liquidated damages, the employer shall not be held liable for such claim if he can satisfactorily show by competent evidence that his failure to pay minimum wages and overtime compensation under this act was occasioned by his adherence (prior to the time of the publication of a succeeding written interpretation or regulation) to a written interpretation or regulation of the Administrator, even though such interpretation or regulation so adhered to was determined by judicial authority to be invalid."

SHORT TITLE

SEC. 203. This act may be cited as the "Portal-to-Portal Act of 1947."

Amend the title so as to read: "An act to amend the Fair Labor Standards Act of 1938, as amended."

The PRESIDENT pro tempore. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED (when his name was called). I have a general pair with the senior Senator from New York [Mr. WAGNER]. On this vote I transfer that pair to the Senator from Wyoming [Mr. ROBERTSON], and will vote. I vote "nay." If the Senator from New York were present, he would vote "yea."

Mr. RUSSELL (when his name was called). On this vote I have a pair with the senior Senator from Oregon [Mr. CORDON]. If the Senator from Oregon were present he would vote "nay." If I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. WHERRY. I announce that the Senator from Wyoming [Mr. ROBERTSON] is absent because of illness. He is paired with the Senator from New York [Mr. WAGNER]. If present and voting the Senator from Wyoming would vote "nay," and the Senator from New York would vote "yea."

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate. He is paired with the Senator from Maryland [Mr. TYDINGS]. If present and voting the Senator from Indiana would vote "nay," and the Senator from Maryland would vote "yea."

The Senator from Oregon [Mr. CORDON] is absent by leave of the Senate. He is paired with the Senator from Georgia [Mr. RUSSELL]. If present and voting the Senator from Oregon would vote "nay," and the Senator from Georgia would vote "yea."

The Senator from South Dakota [Mr. BUSHFIELD] is unavoidably detained.

Mr. LUCAS. The Senator from Maryland [Mr. TYDINGS] and the Senator from New York [Mr. WAGNER] are necessarily absent.

On this vote the Senator from Maryland [Mr. TYDINGS] is paired with the Senator from Indiana [Mr. CAPEHART]. If present and voting, the Senator from Maryland would vote "yea," and the Senator from Indiana would vote "nay."

The result was announced—yeas 35, nays 53, as follows:

YEAS—35

Aiken	Johnson, Colo.	Murray
Barkley	Johnston, S.C.	Myers
Chavez	Kilgore	O'Conor
Connally	Langer	O'Mahoney
Downey	Lucas	Pepper
Ellender	McCarran	Sparkman
Fulbright	McClellan	Stewart
George	McFarland	Taylor
Green	McGrath	Thomas, Okla.
Hatch	McMahon	Thomas, Utah
Hayden	Magnuson	Umstead
Hill	Maybank	

NAYS—53

Baldwin	Gurney	Overton
Ball	Hawkes	Reed
Brewster	Hickenlooper	Revercomb
Bricker	Hoey	Robertson, Va.
Bridges	Holland	Saltonstall
Brooks	Ives	Smith
Buck	Jenner	Taft
Butler	Kem	Thye
Byrd	Knowland	Tobey
Cain	Lodge	Vandenberg
Capper	McCarthy	Watkins
Cooper	McKellar	Wherry
Donnell	Malone	White
Dworshak	Martin	Wiley
Eastland	Millikin	Williams
Ecton	Moore	Wilson
Ferguson	Morse	Young
Flanders	O'Daniel	

NOT VOTING—7

Bushfield	Robertson, Wyo. Wagner
Capehart	Russell
Cordon	Tydings

So the amendment of Mr. MCCARRAN and Mr. MCGRATH was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the joint resolution (H. J. Res. 27) proposing an amendment to the Constitution of the United States relating to the terms of office of the President.

EXEMPTION OF EMPLOYERS FROM LIABILITY FOR PORTAL-TO-PORTAL WAGES IN CERTAIN CASES

The Senate resumed the consideration of the bill (H. R. 2157) to define and limit the jurisdiction of the courts to regulate actions arising under certain laws of the United States, and for other purposes.

The PRESIDENT pro tempore. In the opinion of the Chair, the unanimous-consent request now requires a vote on the committee amendment as amended, without further debate of any nature.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HOLLAND. Does the unanimous consent permit the offering of an amendment to the committee substitute, without debate?

The PRESIDENT pro tempore. The Senator is entitled to send his amendment to the desk, to be stated by the clerk, but there can be no debate, and there must be an immediate vote upon the amendment.

Mr. HOLLAND. Mr. President, on behalf of the Senator from Maryland [Mr. O'CONOR] and myself, I desire to send to the desk an amendment.

The PRESIDENT pro tempore. The clerk will state the amendment.

The Chief Clerk read the amendment, as follows:

Amend the bill so as to strike out all provisions contained therein relating to the Walsh-Healey Act and the Bacon-Davis Act.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Florida, for himself and the Senator from Maryland [Mr. O'CONOR].

Mr. HOLLAND. I ask for the yeas and nays.

The yeas and nays were ordered; the Chief Clerk proceeded to call the roll, and Mr. AIKEN and Mr. BALDWIN voted in the negative when their names were called.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LUCAS. Am I correct in understanding that the amendment we are now voting on eliminates all provisions with respect to the Walsh-Healey Act and the Bacon-Davis Act?

The PRESIDENT pro tempore. That is the opinion of the Chair, but the Chair thinks the clerk had better state the amendment again, so the Senate may judge for itself.

The Chief Clerk again read the amendment, as follows:

Amend the bill so as to strike out all provisions contained therein relating to the Walsh-Healey Act and the Bacon-Davis Act.

The PRESIDENT pro tempore. The clerk will continue the roll call.

Mr. BARKLEY. Mr. President, I would like to propound a parliamentary inquiry to the Chair.

The PRESIDENT pro tempore. The Senator may do so.

Mr. BARKLEY. It is based upon the Chair's announcement a moment ago that his interpretation of the agreement entered into yesterday precluded any debate on the committee substitute. That was not my understanding, otherwise there would have been no point in fixing 5 o'clock as the time at which there should be a vote on the final passage of the bill. I have no desire to debate it, but I am rather impressed by the fact that it was the general understanding here that after a vote on the substitute offered by the Senator from Nevada and the Senator from Rhode Island, there would be a period extending up to 5 o'clock, during which there could be discussion of the bill itself, and that then the vote would come, not later than 5 o'clock, on final passage.

The PRESIDENT pro tempore. Under the unanimous-consent agreement, as the Chair understands it, there is an opportunity from 3 o'clock to 5 to discuss the bill as it will finally pend for passage. Clearly, under the unanimous-consent agreement, however, at not later than the hour of 3 o'clock, the Senate must proceed to vote, without further debate, upon any amendment or motion that may be pending or that may be proposed to the committee substitute, and upon the committee substitute for the pending bill, H. R. 2157. The Chair can find no latitude under which he can agree with the Senator from Kentucky.

Mr. BARKLEY. In the negotiations that led to the final agreement, I think it was the general understanding—it certainly was mine—that between the vote on the amendment we have just voted upon and final passage, there would be opportunity to discuss the provisions of the committee bill, or the final passage of the bill, up to 5 o'clock. I am not interested in discussing it further, but if the Chair's announcement means there can be no debate from now until 5 on the bill as it will be finally voted upon, it certainly was not my understanding.

The PRESIDENT pro tempore. That is not what the Chair stated. The Chair stated that from 3 to 5 the bill as it will finally pend for a vote will be open for debate, but at the present time there is no further debate possible upon the substitute or the committee amendment as amended; and the Chair will have to add to the able Senator from Kentucky that even the parliamentary inquiry is out of order, inasmuch as two Senators have answered to the roll call.

Mr. BARKLEY. I thought I addressed the Chair before the first Senator answered; I did not intend to interrupt the roll call.

The PRESIDENT pro tempore. In the opinion of the Chair, the Senator spoke after there had been responses to the roll call. The clerk will continue the roll call.

The legislative clerk resumed the calling of the roll.

Mr. REED (when his name was called). I have a general pair with the senior Senator from New York [Mr. WAGNER]. On this vote I transfer that pair to the Senator from Indiana [Mr. CAPEHART] and will vote. I vote "nay." I wish to add that if the Senator from New York [Mr. WAGNER] were present he would vote "yea" on this question.

The roll call was concluded.

Mr. WHERRY. I announce that the senior Senator from Oregon [Mr. CORDON] and the senior Senator from Indiana [Mr. CAPEHART] are absent by leave of the Senate. If present and voting the Senator from Indiana would vote "nay."

The Senator from Wyoming [Mr. ROBERTSON] is absent because of illness.

The Senator from South Dakota [Mr. BUSHFIELD] is unavoidably detained.

Mr. LUCAS. The Senator from Maryland [Mr. TYDINGS] and the Senator from New York [Mr. WAGNER] are necessarily absent.

The result was announced—yeas 39, nays 50, as follows:

YEAS—39

Barkley	Johnson, Colo.	Morse
Chavez	Johnston, S.C.	Murray
Connally	Kilgore	Myers
Downey	Langer	O'Conor
Eastland	Lodge	O'Mahoney
Ellender	Lucas	Pepper
Fulbright	McCarran	Russell
Green	McClellan	Sparkman
Hatch	McFarland	Stewart
Hayden	McGrath	Taylor
Hill	McMahon	Thomas, Okla.
Hoey	Magnuson	Thomas, Utah
Holland	Maybank	Umstead

NAYS—50

Aiken	Flanders	Reed
Baldwin	George	Revercomb
Ball	Gurney	Robertson, Va.
Brewster	Hawkes	Saltonstall
Bricker	Hickenlooper	Smith
Bridges	Ives	Taft
Brooks	Jenner	Thye
Buck	Kem	Tobey
Butler	Knowland	Vandenberg
Byrd	McCarthy	Watkins
Cain	McKellar	Wherry
Capper	Malone	White
Cooper	Martin	Wiley
Donnell	Millikin	Williams
Dworshak	Moore	Wilson
Ecton	O'Daniel	Young
Ferguson	Overton	

NOT VOTING—6

Bushfield	Cordon	Tydings
Capehart	Robertson, Wyo.	Wagner

So Mr. HOLLAND'S amendment was rejected.

Mr. KILGORE. Mr. President, I offer an amendment to the bill, as amended, which I ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 15, line 4, after the words "or activities", it is proposed to insert "unless said activities are normally engaged in during the working day."

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from West Virginia.

Mr. HATCH. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HATCH. I think the Chair has already answered the inquiry I am about to make, but I am frank to confess that I am confused about the unanimous-consent agreement entered into on yesterday and its present interpretation by the Chair. I will say that I have read the agreeement and I think the Chair's interpretation is correct. If I am advised correctly, the Chair has held that no debate will be permissible upon any amendment whatever between 3 and 5 o'clock. Is that correct?

The PRESIDENT pro tempore. The Senator is correct. In the Chair's opinion the unanimous-consent agreement requires continuous voting to the conclusion of the consideration of the committee amendment, as amended, whereupon the only question pending before the Senate from that time until not later than 5 o'clock will be the question on the third reading and final passage of the bill.

Mr. HATCH. Continuing my inquiry then, merely to point out the vice of such agreements; all that is necessary to do to shut off debate between 3 and 5 o'clock would be to offer an amendment?

The PRESIDENT pro tempore. No debate on an amendment would be in order between 3 and 5. An amendment could not be received after the committee amendment as amended has been agreed to.

Mr. HATCH. The Senator from West Virginia has just offered an amendment.

The PRESIDENT pro tempore. After the committee amendment, as amended, is agreed to, the bill is pending on its third reading and final passage.

Mr. HATCH. Yes; but I think the Chair misunderstood me. I said any Senator can offer an amendment to the committee amendment, just as the Senator from West Virginia has done, and that automatically cuts off debate.

The PRESIDENT pro tempore. Until the committee amendment as amended is voted upon, the Senator is correct.

The question is on agreeing to the amendment offered by the Senator from West Virginia [Mr. KILGORE].

Mr. LANGER. Mr. President, I ask for the yeas and nays.

Mr. MORSE. Mr. President——

The PRESIDENT pro tempore. Is the demand sufficiently seconded?

The yeas and nays were not ordered.

Mr. MORSE. Mr. President, I request that the amendment be again stated.

The PRESIDENT pro tempore. At the request of the Senator, if there be no objection, the pending amendment will be again stated.

The CHIEF CLERK. On page 15, at the end of line 4, following the words "or activities," it is proposed to insert "unless said activities are normally engaged in during the working day."

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from West Virginia [Mr. KILGORE].

Mr. BARKLEY. Mr. President, let us have the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. REED (when his name was called). I have a general pair with the Senator from New York [Mr. WAGNER]. I transfer that pair to the Senator from Indiana [Mr. CAPEHART], and vote "nay." The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate. If present and voting would vote "nay," and the Senator from New York would vote "yea."

The roll call was concluded.

Mr. WHERRY. I announce that the Senator from Wyoming [Mr. ROBERTSON] is absent because of illness and the Senator from Oregon [Mr. CORDON] is absent by leave of the Senate. The Senator from South Dakota [Mr. BUSHFIELD] is unavoidably detained.

Mr. LUCAS. I announce that the Senator from Maryland [Mr. TYDINGS] and the Senator from New York [Mr. WAGNER] are necessarily absent.

The result was announced—yeas 39, nays 50, as follows:

YEAS—39

Aiken	Johnson, Colo.	Murray
Barkley	Johnston, S.C.	Myers
Chavez	Kilgore	O'Conor
Connally	Langer	O'Mahoney
Downey	Lucas	Pepper
Ellender	McCarran	Russell
Fulbright	McClellan	Sparkman
Green	McFarland	Stewart
Hatch	McGrath	Taylor
Hayden	McMahon	Thomas, Okla.
Hill	Magnuson	Thomas, Utah
Hoey	Maybank	Tobey
Ives	Morse	Umstead

NAYS—50

Baldwin	Flanders	Overton
Ball	George	Reed
Brewster	Gurney	Revercomb
Bricker	Hawkes	Robertson, Va.
Bridges	Hickenlooper	Saltonstall
Brooks	Holland	Smith
Buck	Jenner	Taft
Butler	Kem	Thye
Byrd	Knowland	Vandenberg
Cain	Lodge	Watkins
Capper	McCarthy	Wherry
Cooper	McKellar	White
Donnell	Malone	Wiley
Dworshak	Martin	Williams
Eastland	Millikin	Wilson
Ecton	Moore	Young
Ferguson	O'Daniel	

NOT VOTING—6

Bushfield	Cordon	Tydings
Capehart	Robertson, Wyo.	Wagner

So Mr. KILGORE'S amendment was rejected.

Mr. MAGNUSON. Mr. President, I offer the amendment which I send to the desk and ask to have it stated.

The PRESIDENT pro tempore. The amendment offered by the Senator from Washington will be stated.

The CHIEF CLERK. On page 18, after line 22, it is proposed to strike out down to and including line 16, on page 19.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Washington [Mr. MAGNUSON].

Mr. PEPPER. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. PEPPER. In view of the fact the amendment refers only to pages and lines, can the Chair tell me what the effect of the amendment will be?

The PRESIDENT pro tempore. The Chair is unable to state because the Chair has no further advice with reference thereto than has the Senator from Florida.

Mr. PEPPER. Mr. President, a further parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. PEPPER. Is it true that the amendment would strike out the 2-year statute of limitations and leave the statutes of limitations to the several States?

The PRESIDENT pro tempore. The Chair is unable to answer that question.

Mr. LUCAS. Mr. President, is it permissible for the clerk to read the portion of the bill proposed to be stricken, in order that Senators may know on what they are voting?

The PRESIDENT pro tempore. The Chair is of the opinion that that is an appropriate request, and if there be no

objection the clerk will read the language which the pending amendment seeks to strike. The language which the clerk is about to read is the language which would be stricken out by the amendment offered by the Senator from Washington.

The CHIEF CLERK. On page 18, after line 22, it is proposed to strike out the following:

SEC. 9. Limitations: (a) The Fair Labor Standards Act of 1938, as amended, is further amended by adding at the end of section 16 the following new subsection:

"(c) (1) Every claim under this act for unpaid minimum wages, unpaid overtime compensation, or an additional amount as liquidated damages, accruing prior to or on or after the date of enactment of the Portal-to-Portal Act of 1947, shall be forever barred unless, within 2 years after such claim accrued, suit to enforce such claim is commenced in a court of competent jurisdiction.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, suit to enforce any such claim accruing prior to the date of enactment of the Portal-to-Portal Act of 1947 may be commenced within 120 days after such date if such claim is not barred at the time of commencing suit by any other statute of limitations; and the period of limitation provided for in paragraph (1) of this subsection shall not be applicable to any suit so commenced."

The PRESIDENT pro tempore. The amendment offered by the Senator from Washington [Mr. MAGNUSON] would strike out the language which the clerk has just read.

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. REED (when his name was called). I have a general pair with the Senator from New York [Mr. WAGNER]. I transfer that pair to the Senator from Indiana [Mr. CAPEHART] and vote "nay". The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate. If present and voting would vote "nay", and the Senator from New York would vote "yea."

The roll call was concluded.

Mr. WHERRY. I announce that the Senator from Wyoming [Mr. ROBERTSON] is absent because of illness and the Senator from Oregon [Mr. CORDON] is absent by leave of the Senate.

Mr. LUCAS. I announce that the Senator from Arizona [Mr. HAYDEN], the Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are necessarily absent.

The result was announced—yeas 28, nays 61, as follows:

YEAS—28

Barkley	Langer	O'Conor
Chavez	Lucas	O'Mahoney
Downey	McCarran	Pepper
Green	McFarland	Stewart
Hatch	McGrath	Taylor
Hill	McMahon	Thomas, Okla.
Holland	Magnuson	Thomas, Utah
Johnson, Colo.	Maybank	Wilson
Johnston, S. C.	Murray	
Kilgore	Myers	

NAYS—61

Aiken	Buck	Cooper
Baldwin	Bushfield	Donnell
Ball	Butler	Dworshak
Brewster	Byrd	Eastland
Bricker	Cain	Ecton
Bridges	Capper	Ellender
Brooks	Connally	Ferguson
Flanders	McKellar	Sparkman
Fulbright	Malone	Taft
George	Martin	Thye
Gurney	Millikin	Tobey
Hawkes	Moore	Umstead
Hickenlooper	Morse	Vandenberg
Hoey	O'Daniel	Watkins
Ives	Overton	Wherry
Jenner	Reed	White
Kem	Revercomb	Wiley
Knowland	Robertson, Va.	Williams
Lodge	Russell	Young
McCarthy	Saltonstall	
McClellan	Smith	

NOT VOTING—6

Capehart	Hayden	Tydings
Cordon	Robertson, Wyo.	Wagner

So Mr. MAGNUSON'S amendment was rejected.

The PRESIDENT pro tempore. The question recurs on agreeing to the committee amendment as amended.

Mr. MYERS. Mr. President, I send to the desk an amendment for which I ask immediate consideration.

The PRESIDENT pro tempore. This amendment will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to insert the following new section:

SEC. —. Section 6 (a) (4) of the Fair Labor Standards Act of 1938, as amended, is amended by striking out "40 cents an hour" and inserting in lieu thereof "60 cents an hour."

Mr. TAFT. Mr. President, I move to lay on the table the amendment which has just been offered.

The PRESIDENT pro tempore. Debate on the amendment is not in order. The question is on the motion of the Senator from Ohio that the amendment be laid on the table.

Mr. STEWART. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. STEWART. In view of the unanimous-consent agreement to vote on amendments, is the motion of the Senator from Ohio in order?

The PRESIDENT pro tempore. Such a motion is always in order; but the net result is the same.

Mr. MAGNUSON. Mr. President, for the purpose of the RECORD, will the President pro tempore direct the clerk to read the names of the sponsors of the amendment?

The PRESIDENT pro tempore. The clerk will read the names of the sponsors.

The CHIEF CLERK. The amendment is submitted by Mr MYERS, Mr. MAGNUSON, Mr. MCMAHON, Mr. PEPPER, Mr. MURRAY, Mr. CHAVEZ, and Mr. TAYLOR.

Mr. MYERS. Mr. President, the name of the junior Senator from South Carolina [Mr. JOHNSTON] was inadvertently omitted from the list of sponsors of the amendment. I ask that it be added.

The PRESIDENT pro tempore. The name of the Senator from South Carolina will be added.

The question is on agreeing to the motion of the Senator from Ohio.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MORSE. Is the motion to lay the amendment on the table debatable?

The PRESIDENT pro tempore. The motion to lay on the table is not debatable.

The question is on agreeing to the motion of the Senator from Ohio to lay on the table the amendment offered by the Senator from Pennsylvania for himself and other Senators.

Mr. LANGER and other Senators asked for the yeas and nays.

Mr. HATCH. Mr. President——

The yeas and nays were ordered; the legislative clerk proceeded to call the roll; and Mr. AIKEN voted in the negative when his name was called.

Mr. HATCH. Mr. President——

The PRESIDENT pro tempore. The Senator from New Mexico was on his feet and addressing the Chair when the yeas and nays were ordered and the call of the roll was commenced; so he is recognized at this point.

Mr. HATCH. Mr. President, the Senator from Oregon asked whether the motion to lay on the table was debatable. Now I ask whether the amendment itself was debatable.

The PRESIDENT pro tempore. It was not. The clerk will resume the calling of the roll.

Mr. MCMAHON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MCMAHON. A vote "yea" on this motion is a vote against a 60-cent minimum, is it not?

The PRESIDENT pro tempore. A vote "yea" is a vote to lay on the table the amendment submitted by the Senator from Pennsylvania [Mr. MYERS].

The clerk will resume the calling of the roll.

The legislative clerk resumed the calling of the roll.

Mr. REED (when his name was called). I have a general pair with the Senator from New York [Mr. WAGNER]. I transfer that pair to the Senator from Indiana [Mr. CAPEHART], and will vote. I vote "yea."

The Senator from Indiana is absent by leave of the Senate. If present and voting, the Senator from Indiana would vote "yea," and the Senator from New York, if present, would vote "nay."

The roll call was concluded.

Mr. WHERRY. I announce that the Senator from Wyoming [Mr. ROBERTSON] is absent because of illness; and the Senator from Oregon [Mr. CORDON] is absent by leave of the Senate.

Mr. LUCAS. I announce that the Senator from Arizona [Mr. HAYDEN], the Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are necessarily absent.

The result was announced—yeas 57, nays 32, as follows:

YEAS—57

Baldwin	Ferguson	Moore
Ball	Flanders	Morse
Brewster	George	O'Daniel
Bricker	Gurney	Overton
Bridges	Hawkes	Reed
Brooks	Hickenlooper	Revercomb
Buck	Hoey	Robertson, Va.
Bushfield	Holland	Saltonstall
Butler	Ives	Smith
Byrd	Jenner	Taft
Cain	Kem	Thye
Capper	Knowland	Vandenberg
Connally	Lodge	Watkins
Cooper	McCarthy	Wherry
Donnell	McClellan	White
Dworshak	McKellar	Wiley
Eastland	Malone	Williams
Ecton	Martin	Wilson
Ellender	Millikin	Young

NAYS—32

Aiken	Langer	O'Mahoney
Barkley	Lucas	Pepper
Chavez	McCarran	Russell
Downey	McFarland	Sparkman
Fulbright	McGrath	Stewart
Green	McMahon	Taylor
Hatch	Magnuson	Thomas, Okla.
Hill	Maybank	Thomas, Utah
Johnson, Colo.	Murray	Tobey
Johnston, S.C.	Myers	Umstead
Kilgore	O'Conor	

NOT VOTING—6

Capehart	Hayden	Tydings
Cordon	Robertson, Wyo.	Wagner

So the motion to lay Mr. MYERS' amendment on the table was agreed to.

The PRESIDENT pro tempore. The question occurs on agreeing to the amendment of the committee, as amended.

The amendment as amended was agreed to.

Mr. TAFT. Mr. President, with respect to the amendment which was just offered regarding the rate of minimum wage, I was unable before the amendment was voted on, to make the statement I wished to make because of the limitation on debate.

I desire to say that that matter is pending before the Committee on Labor and Public Welfare, together with some 8 or 10 other amendments to the Fair Labor Standards Act, involving the various exemptions which are now in effect under that act. Our committee proposes to take up the matter. Certainly by my motion to lay on the table I did not intend to indicate necessarily opposition to the raising of the minimum wage. Last year I voted to raise it from 40 cents to 60 cents. That question cannot be considered except in relation to the various exemptions now contained in the act, and the effect on the different industries concerned. I can only say that our committee will take the matter up at the earliest possible moment, and give full consideration to amendments to the basic provisons of the Fair Labor Standards Act.

My only reason for making the motion was that the amendment was not properly related to the matter now before the Senate; that it happened to involve the same question which is pending before our committee, and because the matter has not as yet had the consideration it should have before the Committee on Labor and Public Welfare.

Mr. BREWSTER. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. BREWSTER. I should like to inquire whether or not the amendment had at any time been presented in the committee considering the pending legislation.

Mr. TAFT. I am not on the Committee on the Judiciary, so I cannot say. There is a bill pending in the Committee on Labor and Public Welfare to raise the minimum wage to 75 cents, as I recall the figure. I am not certain about the amount.

Mr. FERGUSON. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. FERGUSON. I should like to say, in reply to the Senator from Maine, that it was not considered as a part of the pending bill in the Committee on the Judiciary.

Mr. PEPPER. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. PEPPER. Will the able Senator from Ohio inform the Senate whether or not his Committee on Labor and Public Welfare has had any opportunity whatever to consider the pending legislation, notwithstanding the fact that it vitally affects the Wages and Hours Act, the jurisdiction of which falls under the Senator's committee?

Mr. TAFT. Our committee has not considered the question of portal-to-portal pay. At the beginning of the session the pending bill was referred to our committee, I think, when the question of jurisdiction between the two committees was raised, and as we had the general problem of labor legislation in our committee which we wished to begin to consider at once, I made no objection to the reference of the matter to the Committee on the Judiciary, which considered it last year. It seemed to involve more constitutional questions than direct questions relating to the act itself, and I still think that is the fact.

Mr. BARKLEY. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. BARKLEY. In regard to the question asked by the Senator from Maine and answered by the Senator from Michigan, as to whether the amendment just voted on was offered in the committee, I wish to say that I know of no rule or practice or theory which bars any Senator from offering an amendment to any bill, whether it was ever offered in committee or not. If there were any such practice, no one but a member of a committee could ever offer an amendment to a bill on the floor of the Senate, if it was not offered in the committee itself.

Mr. TAFT. The Senator will recognize, however, that from time immemorial, since amendments have been offered on the floor which have not been offered in committee, they have always been open to that objection.

Mr. BARKLEY. I think it is a captious objection, no matter who makes it.

Mr. BREWSTER. Mr. President, will the Senator from Ohio yield further?

Mr. TAFT. I yield.

Mr. BREWSTER. In reply to the Senator from Kentucky let me say that an amendment of this character, which was certainly of very serious import, which was considered and voted on here a year ago in this Chamber, had apparently not been considered as germane or of importance to the pending legislation so that any Member of the Senate or anybody else had availed himself of his undoubted opportunity to offer the amendment in the committee. I do not understand the statement of the Senator from Kentucky that only a member of the committee could offer it, because certainly at the hearings on the pending legislation any Member of the Senate or any citizen of the United States had full opportunity to go before the committee and offer or suggest an amendment and have it considered.

I may remind the Senator from Kentucky that debate on the pending measure has been proceeding for 5 or 6 days, and there has been most ample opportunity for the offering of amendments of any character designed to improve the bill, but the amendment was not offered. However, after the unanimous-consent agreement, which afforded opportunity for the ceremonies in which the Senate has been indulging for the last hour, this amendment was thrust in. I will leave it to every individual to determine what was the purpose and what was the motive and what was the idea. I make no implications.

Mr. BARKLEY. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. BARKLEY. I merely wish to state, in further reference to the remark I made awhile ago answering the question propounded by the Senator from Maine, that it carried with it an implication that Members of the Senate who are not members of the committee, and therefore could not have offered any amendment in the committee, should not, by some interpretation or practice, or theory, be allowed to offer amendments on the floor. They could not offer them in the committee, and furthermore, the fact that the amendment was offered only now is no indication that the Senator from Pennsylvania or any other Senator might not have tried to get recognition earlier to offer it.

The offering of amendments depends upon the parliamentary status of a bill and the amendments which are pending, and it is no reflection upon a Senator that he exercises his right to offer an amendment after other amendments have been disposed of or after an agreement has been made to limit debate or to vote at a certain hour. The fact that the legislation was voted on in the Senate during the last Congress it seems to me offers no legitimate reason why the amendment offered by the Senator from Pennsylvania was not appropriate to be offered. The Senate had disposed of it, but certainly he was not violating any propriety or any rule or any theory with which I am familiar in offering it at this time.

Mr. BREWSTER. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield to the Senator from Maine.

Mr. BREWSTER. I did not intend to intimate any impropriety or any violation of parliamentary procedure. I merely intended to indicate that if the matter was so important as apparently it was thought to be, it was strange that in all the time that passed in the committee consideration and in the discussions on the floor the amendment was not earlier brought to our attention.

I still do not understand the suggestion of the Senator from Kentucky that any Senator or any citizen cannot offer an amendment in a committee considering a bill. I have been sitting on committees for some time, and my experience is much more limited than that of the Senator from Kentucky, but I think we have scarcely ever had a bill before

a committee in which I have been sitting, where Senators and others have not come forward to offer amendments.

Mr. BARKLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield again to the Senator from Kentucky?

Mr. TAFT. I yield.

Mr. BARKLEY. I do not want to prolong the discussion, but I did not intend to indicate that any Senator could not offer an amendment at any time, either in committee or on the Senate floor. What I suggested was that at any time during the consideration of a bill before the final vote any Senator, regardless of whether he was a member of the committee reporting the bill and regardless of whether the amendment was offered in the committee could offer it from the floor.

Mr. MYERS. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield to the Senator from Pennsylvania.

Mr. MYERS. Mr. President, it had never occurred to me that I should ask unanimous consent to explain my amendment. Of course, if Senators on the other side of the aisle want to take up the time by explaining their votes, and giving the reasons for their votes, that is perfectly satisfactory; but there is nothing mysterious about this amendment. At the last session we passed a bill increasing the minimum wage, and I see no reason why there should be considerable debate over such a proposal when it is offered to the pending measure. There is nothing at all that needs to be explained. The amendment merely proposes to increase the minimum wage from 40 cents to 60 cents. If Senators on the other side wish to explain their votes, I am sure we will be very happy to hear their explanations, but I hope the Senator from Maine will not question my motives in submitting such an amendment. I did not think it needed to be submitted at any other time, because I failed to see that it needed any amplification.

Mr. TAFT. Mr. President, I only rose to explain that this matter should have further consideration by the committee. When we voted to adopt it last year, we did so in connection with eight other amendments to the Fair Labor Standards Act, which were closely related to it. It seems to me that it should be so considered, and such consideration will be given by the Committee on Labor and Public Welfare. I yield the floor, Mr. President.

Mr. MORSE. Mr. President, I wish to make a very brief remark in regard to the motion to lay on the table the amendment of the Senator from Pennsylvania [Mr. MYERS]. I voted for the motion to lay on the table because of the Chair's ruling; and the Chair rightly so ruled. The motion to lay on the table was not debatable, but, even without such a motion the unanimous-consent agreement under which we are laboring and are handicapped, made it impossible to debate the amendment after 3 o'clock. Yet, certainly, if there is any subject that ought to be debated at some length in the Senate of the United States it is the proposal of a minimum wage.

Second, I voted as I did because, in my judgment, the Senator from Pennsylvania proposed an amendment most inadequate, to provide a fair and just minimum wage rate for the underprivileged workers of America. I am surprised that the Senator from Pennsylvania would offer an amendment calling for a minimum wage of 60 cents when the cost of living is such as it is in the United States today. If he had suggested 75 cents, and we could have had a little debate on it, then I think I might have been able to join forces with the Senator from Pennsylvania.

Mr. MYERS. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I will yield in a moment. But certainly, Mr. President, I could not go along with my good friend from Pennsylvania on a minimum wage proposal of 60 cents.

My last point, Mr. President, is that I think the procedure this afternoon has demonstrated once again how wise the junior Senator from Oregon usually is in his objections to unanimous-consent agreements, and, as fast as I can, I am going to restore myself to that position of wisdom when it comes to future unanimous-consent requests. When the request was made yesterday we went along with it, but the spirit and the intent of the request, at least as I understood it, was that today, after 3 o'clock, when we voted on the amendments to the McCarran substitute and the substitute itself, we would then have an opportunity to debate amendments to what we considered to be the bill proper. Because of the wording of the agreement, the Chair, I think, had no other course but to hand down the ruling that he did; but on several amendments offered this afternoon I think there would have been a different vote had we had an opportunity to discuss them. As an example I suggest the amendment offered by the Senator from West Virginia [Mr. KILGORE]. I doubt if there are very many Members of the Senate who really understand the effect of that amendment, or understand that apparently the amendment would not have had a destructive effect on the main objective of the bill as proposed by the Subcommittee on the Judiciary. I think it would have clarified some legal points which ought to have been clarified before the bill was finally passed.

So I say, Mr. President, because of the proposal for an amendment to the Fair Labor Standards Act fixing a minimum wage of 60 cents involved a figure entirely too low, and because of the fact that we were laboring under the handicap of an unfortunate unanimous-consent agreement, I voted as I did. Now I am glad to yield to the Senator from Pennsylvania.

Mr. MYERS. There is much merit to the explanation by the Senator from Oregon. Unfortunately, though, too many Senators agreed with the Senator from Oregon, and so the minimum wage provision of the law remains at 40 cents instead of 60 cents. It would have been much better if the Senator from Oregon had offered an amendment to my amendment to increase it from 60 to 65 or 75 cents—whatever amount he might have in mind. But it occurs to me that we would be much better off with a minimum wage of 60 cents than with a minimum wage of 40 cents, although I am in complete accord with the Senator from Oregon that it should be more than 60 cents. At the same time I remembered that last year when we debated the Fair Labor Standards Act at some length the best we could get was approximately 60 cents; therefore I was hopeful at least we could take that one step forward, rather than to make no progress because of trying to get too much at one time.

Mr. MORSE. I am very glad to have the Senator's statement of assurance that he will go along with us on a high rate of wage, once we can get the bill before the Senate on its merits.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. MORSE. I am glad to yield.

Mr. McMAHON. I suggest that the Senator from Oregon address his prayer for future action to increase the minimum wage not only to the Senator from Pennsylvania but particularly to the side of the aisle on which he stands. In that event, I think the prayer might have, shall I say, better application.

Mr. MORSE. I never pray for this side of the aisle.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WHERRY. What is the pending question before the Senate?

The PRESIDENT pro tempore. The Chair was about to state that the question is on the engrossment of the amendment and the third reading of the bill.

Mr. WHERRY. I thank the Chair.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The bill having been read three times, the question is, Shall it pass?

Mr. LANGER and other Senators asked for the yeas and nays.

The yeas and nays were ordered.

Mr. TAYLOR. Mr. President, is it in order to make a few remarks on the bill at this time?

The PRESIDENT pro tempore. The Senator is in order for that purpose until 5 o'clock.

Mr. TAYLOR. That will afford plenty of time.

The PRESIDENT pro tempore. The Chair's statement was not an invitation, but a notification. [Laughter.]

Mr. TAYLOR. Mr. President, the Republican majority in this House, of course, have the power to turn the clock back, and repeal all social advances made in the Roosevelt period. But I think they should have the courage to be honest about it—to present to this House a bill to repeal this legislation instead of achieving the same effect by devious methods. A great hue and cry has been raised about portal-to-portal pay suits. But behind this barrage of propaganda an attack is being made, not merely upon portal suits, but upon the Fair Labor Standards Act itself.

For example, section 3 provides that no action may be maintained "based upon failure of an employer to pay an employee for activities heretofore or hereafter engaged in by such employee other than those activities which at the time of such failure were required to be paid for either by custom or practice of such employer or by express agreement at the time." This section does not amend or modify the wage and overtime provisions of the Wages and Hours Act. It repeals them. Under the bill, if an employee sued for failure to pay for overtime activities the employer's answer could be simply that, "It is not my practice to pay for such activities." In other words, if charged with violating the law, his defense could be, "I have always violated the law. Why, I have been violating it ever since the day it was passed."

In order to eliminate the portal-to-portal suits which have aroused so much indignation it would have been sufficient to provide that an employer would be protected in every case where he had an agreement expressly covering these overtime activities with the duly designated collective-bargaining agent of his employees. But this measure goes further. In effect, it says the employer can do as he pleases. If a union thinks this practice of an employer is unfair or in violation of the standards set out in the Fair Labor Standards Act, they cannot, under the bill, go peacefully to the courts for redress. They can seek redress, under the bill, only by resorting to their economic strength, by strikes, and by picket lines. For custom has become higher than law. And this is the proposal of those who presumably are looking for a solution to industrial disputes.

And, so far as the unorganized workers whom this same group so piously proclaims it wishes to protect from the power of unions are concerned, these unorganized workers will be left with no recourse. They will be exactly where they were before the passage of the Fair Labor Standards Act—they will have to take what the employer is willing to give them. They will be forced to organize and protect their rights.

Mr. President, we must be open about this. If we want to bar portal suits, let us do that. And if anyone wants to abolish the protection of the Fair Labor Standards Act and return to an age of unrestricted exploitation of human labor, let him say so openly.

I am particularly annoyed by the section of the bill which outlaws existing portal-to-portal claims. This section involves a decision by Congress to intervene in law suits now in court and to decide them by legislation in favor of one party. I believe this is clearly unconstitutional. At the very least it will invite years of court interpretation before liabilities may be determined with any certainty.

I believe that most of the cases that are now pending would be disposed of under the de minimis doctrine applied by Judge Picard in the Mount Clemens case. In other words, the millions of dollars in portal claims that we hear about is a completely meaningless figure. Plaintiffs always ask for enormous amounts in their complaints. I am confident that not 1 percent of the amount now asked for in the cases taken as an aggregate could possibly be granted by courts or juries. Most of the complaints seem doomed to dismissal. Under the circumstances then there seems to be no justification for a sweeping and unconstitutional revision of law which will strike at the heart of the Wages and Hours Act.

The PRESIDENT pro tempore. The question is on the final passage of the bill, on which the yeas and nays have been ordered.

Mr. KNOWLAND. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	Murray
Baldwin	Hayden	Myers
Ball	Hickenlooper	O'Conor
Barkley	Hill	O'Daniel
Brewster	Hoey	O'Mahoney
Bricker	Holland	Overton
Bridges	Ives	Pepper
Brooks	Jenner	Reed
Buck	Johnson, Colo.	Revercomb
Bushfield	Johnston, S. C.	Robertson, Va.
Butler	Kem	Russell
Byrd	Kilgore	Saltonstall
Cain	Knowland	Smith
Capper	Langer	Sparkman
Chavez	Lodge	Stewart
Connally	Lucas	Taft
Cooper	McCarran	Taylor
Donnell	McCarthy	Thomas, Okla.
Downey	McClellan	Thomas, Utah
Dworshak	McFarland	Thye
Eastland	McGrath	Tobey
Ecton	McKellar	Umstead
Ellender	McMahon	Vandenberg
Ferguson	Magnuson	Watkins
Flanders	Malone	Wherry
Fulbright	Martin	White
George	Maybank	Wiley
Green	Millikin	Williams
Gurney	Moore	Wilson
Hatch	Morse	Young

The PRESIDENT pro tempore. Ninety Senators have answered to their names. A quorum is present.

The question is on the final passage of the bill.

Mr. JOHNSTON of South Carolina. Mr. President, I have listened to the debate concerning this bill, and as I listened I could not help asking myself, "Where is labor going to end? What are we going to do with labor in the United States?" As I see it, this measure only opens the door to taking away from labor everything that it has gained during the past 14 years. I believe that the majority of the members of this body, particularly the lawyers, will acknowledge that so far as two acts are concerned, they should not be included in the pending bill.

I am mindful of the fact that in 1933 the majority of textile workers in the South were receiving less than 30 cents an hour. If we break down the protection which they have, I do not say that they will go back to 30 cents an hour, but I fear that they will certainly lose much that they have gained during the past 14 years.

Let us look at the bill for a few minutes and see if we are being fair with the workingman. If my memory serves me correctly, each year we pay back, or anticipate paying back, approximately $2,000,000,000 in income-tax refunds. It would be just as fair to enact a bill prohibiting the payment of income-tax refunds as it would be to enact the bill which is now before the Senate.

Why do I say that? We are taking away from the employee a right which he has at present, and we acknowledge it. Otherwise such a bill would not have been introduced. We are not willing to leave the question to our courts to decide. I am not in favor of introducing a bill every time we check up on big business and find conditions which ought not to exist. Before long we shall have an extended debate on a measure known as the Bulwinkle bill, which is nothing more than an effort to take from the courts the authority to penalize the railroads if they violate the antitrust laws. In this instance there are workers who have rights, and by this bill we would take away those rights.

This is called a portal-to-portal bill. The name is a misnomer. If it dealt only with what took place during the actual working time, it would be one thing. But it does not stop there.

Take the example of a mechanic in a cotton mill. I worked in one for 11 years. Let me tell the Senate some of the things of which we are proposing to deprive workingmen. Certain men in the mill known as section men in the spinning room or loom fixers in the weave-shop must report 15 minutes ahead of time. Some mills pay them for that time and some do not. Obviously we are going to compel manufacturers who have paid for such time to continue to do so. The ones which have not been doing so will not pay for it.

If this measure had been in effect, some of the cases which I have brought into court would probably have been thrown out. In the cases which I carried to court the employees should have received compensation, and they did receive such compensation in every case which I filed.

Let me cite one example. I have in mind the case of a paymaster and timekeeper in a cotton mill. During the working hours on 5 days it was necessary for him to check the activities of employees in various rooms, because different kinds of records were kept. Some worked by the hour. Some worked by the day. Some worked at piece-work. Some worked by pick, and some by hand. It was his duty to see that the records were kept straight. He had to do that work during the working hours on 5 days. Year in and year out that man went into the mill office on Saturday morning and worked for 3 or 4 or 5 hours to make up the pay roll for the following week. He was not paid anything for that time. Would he be paid under the terms of this bill? He did not ask for pay for that time until he lost his job.

Anyone who works in an unorganized mill—and approximately 80 percent of them in my State are unorganized—has a tendency to fear to bring suit while he is working for the meal ticket which he draws from week to week for the support of his wife and children. He does not want to lose his job. This man worked not for 1 year or 2 years, but for more than 3 years, and then was discharged. He came to me, and collected

in court. Is that unjust? Do we want to penalize workers in such cases?

But this bill does not stop there. We must not take away these rights of the laboring people. This bill is only the beginning. There will be others introduced, probably under misleading names. This is called a portal-to-portal pay bill. That is not an accurate description of what it deals with, when we consider it from beginning to end and see how many things have been injected into it.

I am glad to say that in checking up the vote it is found without exception that the votes on this side of the aisle have been in favor of every amendment which has sought to make the bill more liberal, whereas on the other side of the aisle only three votes have been cast in favor of any amendment. There have been five roll calls. The majority party in this body has the power and has shown by its votes today what it will do to labor in the United States. That is the record which Senators will see tomorrow when they receive the CONGRESSIONAL RECORD.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I will say to the Senator from North Dakota that I have checked up with him and find that without exception he voted for every amendment offered.

Mr. LANGER. I know the Senator would not want to make a misstatement. As to one amendment there were five Republicans who voted for it.

Mr. JOHNSTON of South Carolina. There have been only 15 such votes in all, across the aisle, on 5 roll calls. That shows the thinking which is going on across the aisle, even though the Senator from North Dakota voted for each amendment.

Mr. President, I should like to remind the Senate of an aspect of the portal-to-portal bill which we tend to overlook in debate—that is, the need for the wage-hour legislation and its beneficial effects. We must take every care to protect its basic standards against encroachment.

I have too intimate a knowledge of the effects of wage-hour legislation in my own State during periods when the cotton-textile industry was depressed, to risk weakening its effectiveness during a possible future period of depressed prices, limited demand for cotton, and an oversupply of labor. We need to maintain the future usefulness of this legislation intact.

We do not have to be reminded of the low wages, the long hours, and the employment of child labor that prevailed in many industries before the passage of the Fair Labor Standards Act. They affected not only the workers who worked long hours for low pay, but they imperiled the higher standards that some workers had won or that some employers had voluntarily granted.

Let us consider, for example, the cotton-textile industry. In 1939 more than one-half of the manufacturing wage earners in South Carolina were employed in making broad woven cotton goods, and many others were in related industries—making cotton yarn, and dyeing and finishing textiles. This is a manufacturing industry in which labor costs represent a relatively high percentage of the value of the product. It would therefore be sensitive to any adverse effects that might be caused by the imposition of increases in wage rates. For this reason, it is especially illuminating to trace the results of minimum-wage laws in the industry.

In July 1933, before the National Recovery Administration, all but a small proportion of workers in the cotton goods industry in the South averaged less than 30 cents an hour. In August 1933, after the National Industrial Recovery Act was passed, less than one-tenth of these workers received so little; and in August 1934, a year later, the proportion receiving under 30 cents an hour had been reduced still further, to less than 7 percent.

In April 1937, some time after the invalidation of the NRA by the Supreme Court, almost one-sixth of the wage-earners in the cotton-goods industry in the South averaged less than 30 cents an hour. In August 1938, a year later, the proportion had risen to nearly one-fourth.

It is not necessary to be an alarmist to find in these figures a warning against tampering with our basic minimum wage legislation.

Under the Fair Labor Standards Act, the 25-cent minimum rate became effective in October 1938. The minimum rate for cotton textiles was raised to 32½ cents an hour on October 24, 1939, by industry committee action; and to 37½ cents by the same method on June 30, 1941. Industry committee action, as Senators know, was concentrated in those early days on industries where relatively large numbers of employees would presumably be affected by wage orders.

During this period when wages were being raised by Federal action, cotton mill employment, as well as pay rolls, increased, contrary to the dire predictions of opponents of the legislation. Mill margins—the difference between the cost of raw cotton and the selling price of cloth, a test of profitability in the industry—also increased.

Since that period the demands of war production and the impact of generally rising wage and price levels have caused textile wages to rise far beyond the required statutory minimum of 40 cents an hour. The minimum rate is now generally 65 cents an hour, and higher minimum rates are in effect, or are being negotiated, in a number of plants. While employment in cotton manufactures rose about one-sixth above the 1939 average, pay rolls nearly trebled.

Average annual wages and per capita income in the South, though still below the national average are beginning to approach it. Average annual wages and salaries of southern manufacturing employees who are covered by employment compensation laws had risen to about three-quarters of the national average in 1944. In South Carolina per capita income payments rose from a little over one-third of the national average in 1929 to about one-half in 1940, and to 58 percent in 1945.

Although this is far from a perfect record, I submit that it shows marked progress; progress along a path that I think we should continue to follow. I think it will be agreed that the basic protections of the act—the minimum wage, the overtime, and the child-labor provisions—are too important to be tampered with lightly.

Senators will surely agree that we must take every precaution in order not to risk any weakening of the basic supports for our wage-hour structure. We shall need every prop we have contrived—and probably additional ones—if we should encounter a future period of recession, with its concomitant slackened demand for goods and for labor. We shall then need the strongest possible supports to prevent wage levels from tumbling disastrously. We must continue to be assured these minimum guarantees against unfair competition, so that the progressive employer who maintains decent working conditions will not be submerged by unscrupulous competitors whose advantage is based on low wages and substandard labor practices. The fundamental benefits of the act must be preserved, and its aim of setting fair labor standards must be kept clearly in view.

The provisions of the Committee bill which we are considering would in large measure negate the purpose and the benefits of the Fair Labor Standards Act in the future. One of the most important means of obtaining the compliance of employers in meeting the basic requirements of the act on a voluntary basis lies in section 16 (b), which provides, at the same time, a protection to workers who are illegally deprived of their rights under the law. Senators are familiar with the terms of this section, which permit a worker to bring suit for back wages due because he has not been paid the minimum wage or because he has not been paid for overtime at the rate of time and a half for all hours over 40 a week, and to receive as liquidated damages an amount equal to his wrongfully withheld earnings. Although substantial sums have been regained by workers through the exercise of their rights under this provision, they are of minor importance compared with its indirect influence on employers.

Let me elaborate on this point. I need not remind Senators that the Congress has never considered it necessary to provide funds sufficient to allow for annual inspections of each employer subject to the act. In other words, enforcement of the act by inspection, and the consequent administrative measures, such as injunctions against further violations, or fines and imprisonment for willful violators, has not been considered practical, and the means to achieve it have not been considered necessary. The law itself does not rely very heavily upon such measures since it does not directly authorize the Administrator to bring suit for back wages, and limits the penalties through such court action as the Administrator can bring in the case of willful violations.

In view of this fact, the right given to employees to collect wages that should have been paid to them and the damages due them because such wages were withheld is thus of double importance. It constitutes at one and the same time an

essential protection to employees which would otherwise be lacking, and an incentive to employers to meet the requirements of the act lest they be forced later to pay a double amount. Without this provision, there would be little pressure upon an employer who wanted to violate the act, to save money at his employee's expense, not to do so. If the most that could happen to him was that he would later have to pay back wages in accordance with the act, he would have nothing to lose by failing to pay at the time and taking a chance on having to pay later. In any situation in which he was not certain of his obligations, it would be to his advantage to decide the issue in his own favor, against his employees, secure in the knowledge that if he was wrong he had nothing to lose.

The liability of employers in suits brought by their employees has thus been a powerful factor in obtaining voluntary compliance with the act. It is unlikely that we could point with pride to the relatively high degree of compliance that has existed if it were not for that liability, since legislative history has demonstrated time and again that no regulatory statute can be effective unless it includes some penalties for failure to observe its requirements. Now let us consider how the committee bill will affect this provision of the act. Section 9 of the bill establishes a 2-year limitation on all claims brought under the act, whether for back wages or for liquidated damages. Any wages which an employee does not claim within 2 years after the time when they were due him are lost to him for good.

It may seem at first glance, Mr. President, that this is fair enough, since indefinite liability or liability which varies according to the laws of the various States, is certainly neither equitable nor desirable. However, if we look into the circumstances under which employees bring claims, it is immediately clear that the fairness of the 2-year period is apparent rather than real. Before employees can make their claims obviously, they must first be aware that they have not been paid what is justly and legally due them; and, perhaps less obviously but nonetheless truly, they must also be free to make claim against their employers.

As to the first factor, many employees are not familiar with the scope and requirements of the law, and may not know of their rights under it even when they are aware that they are not being paid in accordance with its provisions. This is particularly true of employees who do not belong to unions, and therefore have no outside source of information. These employees are in large measure dependent upon the Wage and Hour Division to inform them of their rights, when inspection of the employer's books shows that he has not been conforming to the act. But months may elapse, Mr. President, between the time a violation is discovered and the time the employee can make his claim. Inspections take several weeks, in some cases months; formal notice must be sent to the employee; and the employer must get legal advice and arrange to have his claim filed in court. Six or 8 months or more may have passed, if the employer delays the course of the inspection, or the employee has left his job and cannot be readily located. During this time, the employee's rights will be expiring, and with a 2-year limit he may find he can claim only a fraction of the money which is due him, since nearly half of the time was gone before he could file the claim.

The second factor I mentioned is also of great importance in delaying employees' claims. Experience has shown—and I know this from my own experience, as well as from other sources—that employees seldom bring claims against employers by whom they are still employed, because of the fear of losing their jobs. It is reasonable and understandable for a worker to put continued employment before claims for unpaid wages, since the former is certainly more valuable to him. But his rights under the act should not be subject to barter in return for security in his job, and a situation in which this is possible destroys his employer's incentive to pay him in accordance with the act, since he can materially, if not entirely, reduce his liabilities for not doing so.

I am speaking, Mr. President, not from hearsay, not from theory, but from my own experience. I have handled hundreds of claims brought by employees for wages due them under the Fair Labor Standards Act, brought against employers—individuals and corporations—who had failed to meet the requirements of the act. In practically every case, the employees had let the claims run a year or more before bringing suit. I do not believe we should penalize the large number of workers who cannot bring suit, or who do not dare to bring suit, until some such time has passed by adopting a 2-year limitation. I believe a fairer period would be the 3-year limitation voted by this body last summer.

I should like to discuss also, Mr. President, another section of the committee bill which will, it seems to me, have a damaging effect upon employees' benefits and protection under the Fair Labor Standards Act. Section 10 of the bill would prohibit any claims for liquidated damages under the act if the employer was "in good faith" replying on, or acting in accordance with, "any regulation, order, interpretation, ruling, or practice of the Administrator." At first glance this section, too, seems to be fair and equitable, assuring protection to employers who are trying to comply with the act from having to pay damages. But some of the language which has been used would, I believe, make the section susceptible of very broad interpretation, and of application which was not intended.

"In good faith" is a very general phrase which would be difficult to disprove in the absence of flagrant violations. In combination with the equally broad phrasing of "every interpretation, ruling, or practice," it could conceivably be applied to provide immunity to employers in many situations in which it is not deserved. Would it, for example, apply to an employer following practices of another employer who has been inspected by the Wage and Hour Division, or who alleges that he has the approval of the Wage and Hour Division? Such an employer could, it seems to me, maintain that he was, in good faith, relying on a practice of the Administrator, although I do not believe that immunity for such employers is intended or should be provided.

A provision such as this should be carefully worded, Mr. President, with every precaution taken to limit it to those situations in which the employer has honestly been complying with the law to the best of his knowledge. It should not provide a possible escape to employers who have been "getting away with" violations—particularly since it destroys some of the employees' rights under the law. I believe this section should be modified, limiting an employer's immunity to actions which were in compliance with orders of the Administrator which were clearly applicable to him. If he had acted in compliance with the Administrator's written regulations, or with written rulings which applied specifically to him or to his industry and which were issued with the full knowledge that if they were followed by the employer he would be protected from claims for damages, I would have much greater faith that this section would accomplish its purpose.

Because of the serious threat which this committee bill brings to the future effectiveness of the Fair Labor Standards Act, whose objectives I firmly believe in, I believe we cannot adopt the recommendations of the committee. In their present form they constitute a threat to the continued maintenance of the standards which are still an essential safeguard to millions of workers in this country, to whom the act provides basic protection in their working relationships. This protection may be needed even more urgently in the years to come.

Mr. President, this bill will do great damage to the laborers of this Nation if it is enacted into law. There is not pending at the present time in my State any portal-to-portal suit. No such suits have been filed in South Carolina, so that this bill, if enacted, would not affect us. But it will affect labor in the future.

Probably some compromises are in progress in South Carolina. This bill, if enacted, will stop them. The only question which the Senate has before it is whether or not it shall pass the bill as amended. I, for one, will not lend my vote to the enactment of the bill.

Mr. AIKEN. Mr. President, I do not believe that any Member of the Senate has been more disturbed in connection with voting on this proposed legislation than I have been. I have been very uncertain in my mind how to vote when the final vote comes. I believe that labor was extremely unwise in starting the portal-to-portal suits, which amount, in the aggregate, to several billions of dollars. I have no sympathy for those who started court suits to embarrass employers, to achieve a bargaining point, or to get billions of dollars which they never expected to get in the first place.

When I think of that situation, I think that I shall vote for the bill. When I think of the numberless employees who belong to no union whatsoever and who

have perhaps fifty or one hundred dollars due them in back pay, and then think that by voting for the bill I might vote to deprive them of the only opportunity they have to collect the money which is due them and which means so much to them, I realize that I cannot vote for such legislation.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. AIKEN. I should like to complete what I have to say, and then I shall be glad to yield.

I have voted for the 2-year statute of limitations covering the collection of back pay. I agreed to that as a compromise measure last year, and I still adhere to that agreement. But I cannot vote to deprive the little fellow of the only chance he has in the world of collecting the few dollars which may be due him and which mean such a tremendous amount to him.

I believe that if we were to enact this legislation, and it should be upheld in court, it would probably be the greatest boon to labor unions they have had in many years, because it would force the unorganized employees to join a union in order to get a contract and thereby protect their rights.

Those who advocate the bill most strongly do not themselves like all features of it. They say that some parts of it may not be upheld. They also say that if some parts of it are wrong the courts, through interpretation, can make a good act of it. It seems to me, Mr. President, that if the courts, through interpretation, can make a good act of it, the courts can also handle the situation by which we are now confronted and which has grown out of the pending litigation. It seems to me that if the courts are able to take a bad bill passed by the Congress and make a good act of it through their interpretations, the courts should also be able to find some way to throw out unjust and unwarranted suits which have been brought, amounting to an aggregate of several billion dollars.

I have had a very difficult time in determining how I should vote on the bill, but when I think of the thousands of little people all over the United States who have a few dollars due them, I cannot vote to deprive them of the last chance they have of getting that money.

Mr. HATCH. Mr. President, I asked the Senator from Vermont to yield to me simply because he was so well expressing my own view. I have had the same difficulty which the Senator has had. I thought that these suits were wrong, that they were unjust, and that we should enact legislation to right that wrong, and for such legislation I would have been glad to vote. But the bill that we have before us now does not accomplish that purpose. In my opinion it creates a greater wrong than it attempts to cure, and I shall not vote for any measure which in my opinion is more wrong than right and which does greater injustice than it attempts to cure. Therefore, Mr. President, upon the final roll call I shall vote "nay."

The PRESIDENT pro tempore. The question is on the final passage of the bill.

Mr. LUCAS. Mr. President, from the time this bill came to the Senate, I did what I could to point out what seemed to me to be the obvious defects contained in the proposed legislation. In reply to all of the letters which I have received from my people in Illinois who were inquiring about portal-to-portal legislation, I have advised them that, in my opinion, the Congress of the United States would be able to enact constructive legislation which would outlaw and make null and void these portal-to-portal suits which have sprung up over the Nation involving billions of dollars. I am satisfied that practically everyone in the Senate believed, when we started to enact this legislation, that portal-to-portal cases and nothing else would be the order of the day. In fact, the Committee on the Judiciary was in that frame of mind when it reported out the first bill on the subject. It had nothing in it except legislation dealing with these portal-to-portal claims. For some cause or other, that bill was recalled from the Senate. It was re-referred to the Committee on the Judiciary. When it came here the second time we found many objectionable provisions in the bill. They were utterly unnecessary in dealing directly with these portal-to-portal suits. Like the Senator from New Mexico [Mr. HATCH] and the Senator from Vermont [Mr. AIKEN], I, too, am at this time somewhat troubled as to what I should do in connection with voting on this bill. I would have no hesitancy in supporting a measure which dealt strictly with the activities of portal-to-portal suits, and I have so advised my constituents, both in public and through the mails. But for the life of me, Mr. President, I cannot understand why it was necessary for the Senate Judiciary Committee to bring in a bill that covers so much territory. I shall never be able to understand why it was necessary for the committee to trespass on the rights of the Committee on Education and Labor in bringing in a measure of this kind. Had a bill of this type, with all the allegations it now contains, been submitted originally to the distinguished President pro tempore, I am satisfied that it would have been referred to the Committee on Education and Labor. In other words, Mr. President, the committee has gone much too far—so far, in fact, that I now prophesy that when the President of the United States receives the bill he will veto it, because at present it contains so many objectionable features which do not deal directly with portal-to-portal activities.

So, Mr. President, if the bill is vetoed and sustained the message will be referred to the Judiciary Committee, and that committee will take another 6 weeks to consider a new bill, and then the loquacious Senator from Missouri will take another 4 days in explaining on the floor of the Senate what the committee bill means. That may happen as a result of the action of certain Senators in trying to cover too many bases at one time. They simply cannot go easy on these matters; they cannot attack the main objective; they believe they must do everything at one time. However, in trying to do too much in this bill, they may be frustrated and will be compelled to start again from scratch. The result will be that the very thing the people of the country are complaining about—legislative delay—will confront us boldly again.

Mr. President, I wanted to vote for an honest-to-goodness portal-to-portal bill, but I cannot support the legislative monstrosity which is before us at this time—a bill filled with unnecessary infirmities from beginning to end.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. WILEY. Mr. President, I believe I opened the debate on this bill. I have refrained from making any comment on it since my brief opening remarks.

Dooley said, on one occasion, that what was needed was common sense. When he was asked about it, he said, "It is the scarcest thing on the market."

Mr. President, all the argument in generalities on this bill does not make for clarity in thinking, either among the Members of the Senate or among people throughout the Nation. There are some persons—of course, there are none in the Senate—who are listening to voices to tell them what they should do and how they should act. Mr. President, there is one dominant voice that should be heard. It is the voice of the Nation.

When any reference is made in a derogatory sense to the labors of the Judiciary Committee, and especially the labors of the subcommittee of that committee, I rise to say that such comments are unsenatorial and against the rules of the Senate, and such statements show the lack of fairness and common sense. The members of the subcommittee and of the full committee have labored as no other committee has labored in the 8 years that I have been a Member of the Senate. They have not brought forth a mouse. They have brought forth a fine, able expression of legislative principles, and it is the result of much hard work on their part. That has been recognized by all Senators who have thought clearly about this measure. The fact that some Senators may disagree with what is provided by the bill is no reason why they should impugn the motives or the judgment of their fellow Senators.

Mr. President, the country has asked for this bill. The judgment of the Senate is that the bill shall pass. In my opinion it will be passed by both Houses of Congress; and in my opinion all the fears of Senators on the other side will be proved to be groundless and their "tears" wasted. Mr. President, this bill does what the country expects the Senate to do—in short, to think straight, to act straight, and to cut across the problem which faces us. It has even been shown, without contradiction, that the RFC refuses to complete loans which it has committed itself to make, simply because it cannot tell what charges in-industry will be subjected to as a result of these suits. The same situation exists as to the banks. Today industry faces paralysis because of these suits. Senators on the other side of the aisle can, if they wish, take the responsibility of voting against the bill. Let them do that if they will; and let the country judge their reasons. I say that, in response

to what Senators on the other side of the aisle have said to us. Certainly, Mr. President, first and last we are Americans. Of course, some cannot forget that an election lies ahead; and I congratulate the four or five Senators on the opposition side who have conducted this opposition maneuver on this bill. But I trust that the press has not been totally oblivious to what has been going on, and I trust that the facts will be given to the country. I say that in all seriousness.

Mr. President, we are here to do a job for the country—not for labor, not for management, but for the 140,000,000 of us. I say to you, Mr. President, that the subcommittee of the Judiciary Committee has done a magnificent job. It is composed of good, Christian, sincere men who listened to the voices of the labor leaders and their best lawyers and listened to the representatives of management, and then went to work and listened, thank God, to their conscience, and then brought forth a bill of which we can be proud.

I trust that the vote on the bill will demonstrate clearly that we have no fear in what we are doing. I trust that nothing which has been uttered will in any way be interpreted as the voice of the "little red men" who wish to break our country apart—which is what would happen if claims amounting to $7,000,000,000 or $10,000,000,000 against various business and industrial concerns in the United States were validated.

In conclusion, Mr. President, let me say it is the function of Congress to determine policy. The distinguished Senator from Missouri has also said that. Under the Constitution it is not the business of the courts to lay down policy. If we here are doing anything, we are telling the courts just that; and the country will sustain us in our action. I trust the bill will immediately be passed.

Mr. WHERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	Myers
Baldwin	Hickenlooper	O'Conor
Ball	Hill	O'Daniel
Barkley	Hoey	O'Mahoney
Brewster	Holland	Overton
Bricker	Ives	Pepper
Bridges	Jenner	Reed
Brooks	Johnson, Colo.	Revercomb
Buck	Johnston, S. C.	Robertson, Va.
Bushfield	Kem	Russell
Butler	Kilgore	Saltonstall
Byrd	Knowland	Smith
Cain	Langer	Sparkman
Capper	Lodge	Stewart
Chavez	Lucas	Taft
Connally	McCarran	Taylor
Cooper	McCarthy	Thomas, Okla.
Donnell	McClellan	Thomas, Utah
Downey	McFarland	Thye
Dworshak	McGrath	Tobey
Eastland	McKellar	Umstead
Ecton	McMahon	Vandenberg
Ellender	Magnuson	Watkins
Ferguson	Malone	Wherry
Flanders	Martin	White
Fulbright	Maybank	Wiley
George	Millikin	Williams
Green	Moore	Wilson
Gurney	Morse	Young
Hatch	Murray	

The PRESIDENT pro tempore. Eighty-nine Senators having answered to their names, a quorum is present.

The question is on the final passage of the bill. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PEPPER (when his name was called). On this vote I have a pair with the senior Senator from Maryland [Mr. TYDINGS], who is necessarily absent from the Senate. If the Senator from Maryland were present he would vote "yea." If I were permitted to vote, I should vote "nay."

Mr. REED (when his name was called). I have a general pair with the senior Senator from New York [Mr. WAGNER] who is necessarily absent from the Senate. On this vote I transfer that pair to the Senator from Indiana [Mr. CAPEHART] and will vote. I vote "yea." If the Senator from New York were present he would vote "nay." The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate. If present and voting he would vote "yea."

The roll call was concluded.

Mr. WHERRY. I announce that the Senator from Wyoming [Mr. ROBERTSON] is absent because of illness.

The Senator from Oregon [Mr. CORDON] is absent by leave of the Senate. If present and voting he would vote "yea."

Mr. LUCAS. I announce that the Senator from Arizona [Mr. HAYDEN] is necessarily absent.

The result was announced—yeas 64, nays 24, as follows:

YEAS—64

Baldwin	George	Overton
Ball	Gurney	Reed
Brewster	Hawkes	Revercomb
Bricker	Hickenlooper	Robertson, Va.
Bridges	Hoey	Russell
Brooks	Holland	Saltonstall
Buck	Ives	Smith
Bushfield	Jenner	Stewart
Butler	Kem	Taft
Byrd	Knowland	Thye
Cain	Lodge	Tobey
Capper	McCarthy	Umstead
Connally	McClellan	Vandenberg
Cooper	McKellar	Watkins
Donnell	Malone	Wherry
Dworshak	Martin	White
Eastland	Maybank	Wiley
Ecton	Millikin	Williams
Ellender	Moore	Wilson
Ferguson	Morse	Young
Flanders	O'Conor	
Fulbright	O'Daniel	

NAYS—24

Aiken	Johnston, S. C.	Magnuson
Barkley	Kilgore	Murray
Chavez	Langer	Myers
Downey	Lucas	O'Mahoney
Green	McCarran	Sparkman
Hatch	McFarland	Taylor
Hill	McGrath	Thomas, Okla.
Johnson, Colo.	McMahon	Thomas, Utah

NOT VOTING—7

Capehart	Pepper	Wagner
Cordon	Robertson, Wyo.	
Hayden	Tydings	

So the bill (H. R. 2157) was passed.

The bill as passed is as follows:

PART I

FINDINGS AND POLICY

SECTION 1. The Congress hereby finds that the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U. S. C., ch. 8), as amended, has been interpreted judicially so as to require employers to pay compensation thereunder for activities which were not commonly understood by employees and employers in accordance with practice, custom, understanding, or agreement to be work, thereby creating wholly unexpected liabilities, immense in amount and retroactive in operation, upon employers throughout the country for compensation for such activities and for an additional equal amount as liquidated damages and attorney's fees; with the results that, if the act as so interpreted or claims arising under such interpretations were permitted to stand (1) the credit of many employers would be seriously impaired; (2) payment of such liabilities would bring about the financial ruin of many employers and seriously impair the capital resources of many other employers and would thereby result in drastically reducing industrial operations, curtailing employment and the earning power of employees, and substantially burdening commerce and substantially obstructing the free flow of goods in commerce contrary to the purposes of said act; (3) employees, having engaged in such activities with the understanding and belief that they were already fully compensated therefor by their agreed rates of pay, would receive windfall payments for activities performed by them without any expectation of reward, and for liquidated damages and attorney's fees; (4) the Public Treasury would be deprived of large sums of revenues and public finances would be seriously deranged by claims against the Public Treasury on war contracts and for enormous amounts of refunds of taxes paid in prior years; (5) the cost to the Government of goods and services heretofore and hereafter purchased by its various departments and agencies would be unreasonably increased; and (6) employers and employees would be unable to determine, without extensive, expensive, and prolonged litigation to final judgment in a court of last resort, the amounts owing to employees for such activities previously, now, or hereafter engaged in by employees, and would in many cases be unable to make voluntary settlement, compromise, release, or adjustment of claims of employees arising out of such activities, and there would result the promotion of increasing demands for payment to employees for engaging in activities no compensation for which had been contemplated, by either the employer or employee at the time they were engaged in, to be paid, among the results of such conditions being (a) the stirring up of champertous practices and congestion of courts, (b) extended and continuous uncertainty on the part of industry, both employer and employee, as to the financial condition of productive establishments with consequent halting of expansion and development, retardation of employment, the infliction of hampering restraints and restrictions on commerce and on the development thereof, (c) Nation-wide industrial conflict, unrest and disputes between employees and employers and between employees and employees, and (d) gross inequality of competitive conditions between employers and between industries, thereby interfering substantially with the free flow of goods in commerce, seriously and adversely affecting the revenues of the Federal, State, and local governments and injuriously affecting the national prosperity and general welfare of the United States of America.

The Congress further finds that the varying and extended periods of time for which, under the laws of the several States, potential retroactive liability may be imposed upon employers, has given and will give rise to great difficulties in the sound and orderly conduct of business and industry.

The Congress further finds that all of the foregoing constitutes a substantial burden on commerce and a substantial obstruction to the free flow of goods in commerce, contrary to the purposes of said act.

The Congress, therefore, further finds and declares that it is in the national public interest and for the general welfare, essential to national defense, and necessary to aid, protect, and foster commerce, that said act be amended as hereinafter set forth.

The Congress further finds and declares that all of the results which have arisen or may arise under the Fair Labor Standards Act of 1938, as amended, as aforesaid, may (except as to liability for attorney's fees and, in the case of the Bacon-Davis Act, for liquidated damages) arise with respect to the Walsh-Healey and Bacon-Davis Acts and that it is, therefore, in the national public interest and for the general welfare, essential to national defense, and necessary to aid, protect, and foster commerce, that said Walsh-Healey Act and said Bacon-Davis Act be amended, as hereinafter set forth.

PART II

EXISTING CLAIMS

SEC. 2. Relief from portal-to-portal claims under the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey and the Bacon-Davis Acts:

(a) No employer shall be subject to any liability or punishment under the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act or the Bacon-Davis Act on account of the failure of such employer to pay an employee minimum wages, or to pay an employee overtime compensation, for or on account of any activities of an employee engaged in prior to the date of enactment of this act, except those activities which were compensable by either—

(1) an express provision of a written or nonwritten contract in effect, at the time of such activity, between such employee, his agent, or collective-bargaining representative and his employer; or

(2) a custom or practice in effect, at the time of such activity, at the establishment or other place where such employee was employed, covering such activity, not inconsistent with a written or nonwritten contract, in effect at the time of such activity, between such employee, his agent, or collective-bargaining representative and his employer.

For the purposes of this section, no judicial or administrative interpretation of the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, or the Bacon-Davis Act shall have the effect of changing any written or nonwritten contract between the employer and employee so as to make compensable any portal-to-portal activities (as defined in section 5); nor shall any provision of any such contract, incorporating by reference as a part thereof such judicial or administrative interpretations, make compensable any such portal-to-portal activities.

(b) Each claim based on any portal-to-portal activities is hereby declared to be and is null and void and unenforceable.

(c) No court shall have jurisdiction of any action for minimum wages, overtime compensation, or liquidated damages under the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, or the Bacon-Davis Act, whether instituted prior to, on or after the date of enactment of this act, to the extent that such action seeks to enforce any liability with respect to any claim based on portal-to-portal activities.

SEC. 3. Saving clause: The provisions of section 2 of this act shall not be deemed to release or extinguish or to apply to any penalty or liability incurred under the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, or the Bacon-Davis Act prior to the date of enactment of this act which is based upon activities other than portal-to-portal activities.

SEC. 4. Special separability provisions: If, notwithstanding the provisions of section 2 hereof, any claim for pay for minimum wages, or for overtime compensation, based on portal-to-portal activities, for any reason remains valid and enforceable after the date of enactment of this act then, with respect to each such claim and with respect to any action pending on or commenced after such date on such claim, the following contents of this section shall apply:

(a) There shall be no recovery of any amount as liquidated damages.

(b) No court shall require the defendant to pay the whole or any part of the attorney's fee of the plaintiff.

(c) The claimant shall be required with respect to any such claim to bear the burden of proof, which shall include proving the extent of his claim, without the benefit of inference, and under no circumstance shall there be shifted to the employer the burden to come forward with evidence of the amount of activities claimed by the employee to have been engaged in. If the employee fails to carry such burden of proof, then the court shall award judgment to the employer.

(d) Settlement, compromise, release, or satisfaction of such claim before the date of enactment of this act shall be a defense thereto and any other appropriate legal or equitable defense may be pleaded in defense of such claim.

(e) Such claim may be hereafter settled, compromised, released, or satisfied, but only if such settlement, compromise, release, or satisfaction contains a provision that the amount of money, if any, resulting therefrom be distributed equitably among the real parties in interest to such claim.

SEC. 5. Definition: As used in this part, the term "portal-to-portal activities" means those activities which section 2 hereof provides shall not be a basis of liability or punishment under the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, or the Bacon-Davis Act.

PART III

FUTURE CLAIMS

SEC. 6. Relief from portal-to-portal claims under the Fair Labor Standards Act of 1938: The Fair Labor Standards Act of 1938, as amended, is amended by adding after section 7 of such Act the following new section:

"PORTAL-TO-PORTAL CLAIMS BANNED

"SEC. 7A. No employer shall be subject to any liability or punishment under this act on account of the failure of such employer to pay an employee minimum wages, or to pay an employee overtime compensation, for or on account of any of the following activities, hereinafter termed portal-to-portal activities, of such employee engaged in on or after the date of enactment of the Portal-to-Portal Act of 1947:

"(a) walking, riding or traveling to and from the actual place of performance of the principal activity or activities which such employee is employed to perform, and

"(b) activities which were preliminary to or postliminary to said principal activity or activities,

which occur either prior to the time on any particular workday at which such employee commences, or subsequent to the time on any particular workday at which he ceases, such principal activity or activities: *Provided, however,* That the provisions of this section shall not apply to any of the foregoing portal-to-portal activities of such employee which is compensable by either—

"(1) an express provision of a written or nonwritten contract in effect, at the time of such activity, between such employee, his agent, or collective-bargaining representative and his employer; or

"(2) a custom or practice in effect, at the time of such activity, at the establishment or other place where such employee is employed, covering such activity, not inconsistent with a written or nonwritten contract, in effect at the time of such activity, between such employee, his agent or collective bargaining representative and his employer.

"For the purposes of this section, no judicial or administrative interpretation of the Fair Labor Standards Act of 1938, as amended, shall have the effect of changing any written or nonwritten contract between the employer and employee so as to make compensable any portal-to-portal activities; nor shall any provision of any such contract, incorporating by reference as a part thereof such judicial or administrative interpretations, make compensable any such portal-to-portal activities."

SEC. 7. Relief from portal-to-portal claims under the Walsh-Healey and Bacon-Davis Acts: No employer shall be subject to any liability or punishment under the Walsh-Healey or the Bacon-Davis Act on account of the failure of such employer to pay an employee minimum wages, or to pay an employee overtime compensation, for or on account of any of the following activities, hereinafter termed portal-to-portal activities, of such employee engaged in on or after the date of enactment of this act—

(a) walking, riding, or traveling to and from the actual place of performance of the principal activity or activities which such employee is employed to perform, and

(b) activities which were preliminary to or postliminary to said principal activity or activities,

which occur either prior to the time on any particular workday at which such employee commences, or subsequent to the time on any particular workday at which he ceases, such principal activity or activities: *Provided, however,* That the provisions of this section shall not apply to any of the foregoing portal-to-portal activities of such employee which is compensable by either—

(1) an express provision of a written or nonwritten contract in effect, at the time of such activity, between such employee, his agent, or collective-bargaining representative and his employer; or

(2) a custom or practice in effect, at the time of such activity, at the establishment or other place where such employee is employed, covering such activity, not inconsistent with a written or nonwritten contract, in effect at the time of such activity, between such employee, his agent, or collective-bargaining representative and his employer.

For the purposes of this section, no judicial or administrative interpretation of the Walsh-Healey Act or the Bacon-Davis Act shall have the effect of changing any written or nonwritten contract between the employer and employee so as to make compensable any portal-to-portal activities; nor shall any provision of any such contract incorporating by reference as a part thereof such judicial or administrative interpretations, make compensable any such portal-to-portal activities.

PART IV

MISCELLANEOUS

SEC. 8. Representative actions banned.—

(a) The second sentence of section 16 (b) of the Fair Labor Standards Act of 1938, as amended, is amended to read as follows: "Action to recover such liability may be maintained in any court of competent jurisdiction by any one or more employees for and in behalf of himself or themselves and other employees similarly situated; and such action shall be deemed to have been commenced as to any individual claimant as of the date when such claimant is named in such action as a party thereto. No employee shall be made a party plaintiff to any such action unless he gives his consent in writing to become such a party and such consent is filed in the court in which such action is brought."

(b) The amendment made by subsection (a) of this section shall be applicable with respect to any claim accruing under the Fair Labor Standards Act of 1938, as amended, on or after the date of enactment of this Act.

SEC. 9. Limitations: The Fair Labor Standards Act of 1938, as amended, is further amended by adding at the end of section 16 the following new subsection:

"(c) (1) Every claim under this act for unpaid minimum wages, unpaid overtime compensation, or an additional amount as liquidated damages, accruing prior to or on

or after the date of enactment of the Portal-to-Portal Act of 1947, shall be forever barred unless, within 2 years after such claim accrued, suit to enforce such claim is commenced in a court of competent jurisdiction.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, suit to enforce any such claim accruing prior to the date of enactment of the Portal-to-Portal Act of 1947 may be commenced within 120 days after such date if such claim is not barred at the time of commencing suit by any other statute of limitations; and the period of limitation provided for in paragraph (1) of this subsection shall not be applicable to any suit so commenced.

"(3) Any such claim, if based on portal-to-portal activities as defined in section 5 of the Portal-to-Portal Act of 1947; and any suit thereon, shall be subject to the provisions of section 4 of the Portal-to-Portal Act of 1947."

(b) (1) Every claim under the Walsh-Healey Act or the Bacon-Davis Act or unpaid minimum wages or unpaid overtime compensation, and under the Walsh-Healey Act for an additional amount as liquidated or other damages, accruing prior to or on or after the date of enactment of the Portal-to-Portal Act of 1947, shall be forever barred unless, within 2 years after such claim accrued, suit to enforce such claim is commenced in a court of competent jurisdiction.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, suit to enforce any such claim accruing prior to the date of enactment of the Portal-to-Portal Act of 1947 may be commenced within 120 days after such date; and the period of limitation provided for in paragraph (1) of this subsection shall not be applicable to any suit so commenced.

(3) Any such claim, if based on portal-to-portal activities as defined in section 5 of the Portal-to-Portal Act of 1947, and any suit thereon, shall be subject to the provisions of section 4 of the Portal-to-Portal Act of 1947.

SEC. 10. Reliance on administrative rulings.—

(1) The Fair Labor Standards Act of 1938, as amended, is further amended by adding at the end of section 16 the following new subsection:

"(d) Neither punishment under section 15 or 16 (a) of this act, nor liability for an additional amount as liquidated damages under section 16 (b) of this act, shall be predicated on any act done or omitted in good faith, prior to, on, or after the date of enactment of the Portal-to-Portal Act of 1947, in accordance with or in reliance on any regulation, order, interpretation, or ruling of the Administrator in writing, notwithstanding the fact that such regulation, order, interpretation, or ruling, after such act or omission, is amended or rescinded or is determined by judicial authority to be invalid or without legal effect."

(2) No liability for an additional amount as liquidated or other damages under the Walsh-Healey Act shall be predicated on any act done or omitted in good faith, prior to, on, or after the date of enactment of the Portal-to-Portal Act of 1947, in accordance with or in reliance on any regulation, order, interpretation, or ruling of the Secretary of Labor (or any Federal official utilized by him to assist in the administration of the Walsh-Healey Act), in writing, notwithstanding the fact that such regulation, order, interpretation, or ruling, after such act or omission, is amended or rescinded or is determined by judicial authority to be invalid or without legal effect.

SEC. 11. Definitions.—

(a) When the terms "person," "commerce," "employer," "employee," and "wage" are used in this act in relation to the Fair Labor Standards Act of 1938, as amended, they shall have the same meaning as when used in such act of 1938.

(b) When the term "employer" is used in this act in relation to the Walsh-Healey Act or Bacon-Davis Act it shall mean the contractor or subcontractor covered by such acts.

(c) When the term "employee" is used in this act in relation to the Walsh-Healey Act or the Bacon-Davis Act it shall mean any person employed by the contractor or subcontractor covered by such acts in the performance of his contract or subcontract.

(d) The term "Walsh-Healey Act" means the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," approved June 30, 1936 (49 Stat. 2036), as amended; and the term "Bacon-Davis Act" means the act entitled "An act to amend the act approved March 3, 1931, relating to the rate of wages for laborers and mechanics employed by contractors and subcontractors on public buildings," approved August 30, 1935 (49 Stat. 1011), as amended.

SEC. 12. Separability: If any provision of this act or the application of such provision to any person or circumstance is held invalid, the remainder of this act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 13. Short title: This act may be cited as the "Portal-to-Portal Act of 1947."

Amend the title so as to read: "An act to amend the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, and the Bacon-Davis Act, and for other purposes."

Mr. DONNELL. My attention has been called by the desk to the fact that at the conclusion of line 4 on page 2 of the Wherry amendment to the committee bill which has just been passed, there should have been inserted quotation marks. I ask unanimous consent that the clerks may be authorized to insert the quotation marks.

The PRESIDING OFFICER (Mr. IVES in the chair). Without objection, it is so ordered.

Mr. WILEY. Mr. President, I move that the Senate insist on its amendments, request a conference with the House thereon, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. WILEY, Mr. DONNELL, Mr. COOPER, Mr. EASTLAND, and Mr. MCGRATH conferees on the part of the Senate.

EXECUTIVE SESSION

Mr. WHITE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. IVES in the chair) laid before the Senate a message from the President of the United States submitting the nomination of Edwin F. Stanton, of California, to be Ambassador Extraordinary and Plenipotentiary to Siam, whch was referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

TENNEESSEE VALLEY AUTHORITY

The legislative clerk read the nomination of Gordon R. Clapp, of Tennessee, to be a member of the Board of Directors of the Tennessee Valley Authority.

Mr. WHITE. Mr. President, I ask that that nomination be passed over.

The PRESIDENT pro tempore. The nomination will be passed over.

ATOMIC ENERGY COMMISSION

The legislative clerk proceeded to read sundry nominations to the Atomic Energy Commission.

Mr. WHITE. Mr. President, I ask that all the nominations under the heading "Atomic Energy Commission" be passed over at this time.

The PRESIDING OFFICER. The nominations to the Atomic Energy Commission will be passed over at this time.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Garrison Norton, New York, to be an Assistant Secretary of State.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service.

Mr. WHITE. Mr. President, I ask unanimous consent that the nominations in the Diplomatic and Foreign Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Diplomatic and Foreign Service are confirmed en bloc.

That concludes the Executive Calendar.

Mr. WHITE. Mr. President, I ask unanimous consent that the President may be notified of the action of the Senate upon the nominations this day confirmed.

The PRESIDING OFFICER. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. WHITE. I now move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

PROGRAM FOR THE SENATE

Mr. TAFT. Mr. President, we have been asked by a number of Senators whether we intend to hold a session Monday night. It is not the present intention to have a night session on Monday night or on next Wednesday night. If the pressure of business becomes too great, we may have to begin night meetings, but we have not at present planned night sessions either for Monday or Wednesday of next week.

Mr. KNOWLAND. Mr. President, I understand that it is proposed now to make the nominations to the Atomic Energy Commission on the Executive Calendar the pending business.

Mr. WHITE. In executive session; that is correct.

Mr. KNOWLAND. Will the Senator from Maine yield to me so that I may

address a question to the able Senator from Ohio?

Mr. WHITE. I yield for that purpose.

Mr. KNOWLAND. I call the attention of the able Senator from Ohio, the chairman of the Policy Committee, to the fact that, as he well knows, we have many pieces of legislation coming on with the March 31 deadline. From all indications, the debate on the nominations of Lilienthal and other members of the Atomic Energy Commission will take perhaps a week or 10 days. Would it not be wise under those circumstances, inasmuch as we could gain about a day, every two evenings, to have evening sessions next week? I wish to say as one member of the Atomic Energy Committee that I shall object to running in any additional legislation ahead of the nominations, unless we can proceed with dispatch.

Mr. TAFT. It was my intention to ask the Senate on Monday to call the calendar, and if certain of the incidental legislation that requires prompt action cannot be passed on the calendar, to take them up after the calendar, to try to dispose of them on Monday. I doubt if we will finally reach the Lilienthal matter until Monday afternoon or Tuesday. I hope it will not then be necessary to interrupt the debate on the nominations, although perhaps after 2 or 3 days it is conceivable that there may be something with a deadline which may perhaps require an evening meeting.

Mr. WHITE. May I respond, Mr. President, to what the Senator from Ohio has said?

The PRESIDING OFFICER. The Senator from Maine.

Mr. WHITE. The statement made by the Senator from Ohio accords fully with my understanding of the situation and of the desires of the membership, and I was later to make a similar announcement. The announcement by the Senator from Ohio seems fully to cover the ground.

Mr. KNOWLAND. Mr. President, the only reason I raised this question was, it was my understanding that the Lilienthal nomination would come up as soon as we finished the portal-to-portal bill. I fully understand the procedure being suggested by the able majority leader, and I have no objection to that. The reason I rose to my feet at this time was because it seemed to me that the serving of notice on the Members of the Senate that there would not be an evening session Monday, or would not be an evening session Wednesday, and perhaps not Friday, under those same circumstances, might encourage Senators to make arrangements to be away on those evenings.

It is my belief that the Senate should proceed quickly to consider the Lilienthal nomination, which is one of the most important matters now facing the Nation. In the field of the development of atomic energy we have lost approximately 18 months, and it seems to me that that matter should be proceeded with promptly, and I believe that evening sessions should be in order.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WHITE. I yield.

Mr. TAFT. We have received a formal request from the correspondents who are in attendance upon the Senate and otherwise, that no evening session be held on next Wednesday because that will be legislative night at the Press Club. We felt that the correspondents had made every effort to meet upon some other night, and were unable to do so, and we yielded to their request as to next Wednesday evening. Arrangement has not been made for holding night sessions on any other day, and therefore I think we must wait until we see whether on Monday we can dispose of the various minor measures. I hope we can do so on Monday and then proceed with the Lilienthal nomination. Efforts are being made to iron out differences which may exist as to legislation with respect to various controls. I hope there may be little controversy about those matters.

ASSISTANCE TO GREECE AND TURKEY—AMENDMENT

Mr. VANDENBERG. On behalf of my distinguished colleague from Texas [Mr. CONNALLY] and myself, I offer a proposed amendment to S. 938, a bill to provide assistance to Greece and Turkey. It is in the nature of a proposed preamble, which I ask to have printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the amendment was received, referred to the Committee on Foreign Relations, ordered to be printed, and to be printed in the RECORD, as follows:

Whereas the governments of Greece and Turkey have sought from the Government of the United States immediate financial and other assistance which is necessary for the maintenance of their national integrity and their survival as free nations; and

Whereas the national integrity and survival of these nations are of importance to the security of the United States and of all freedom loving peoples and depend upon the receipt at this time of assistance; and

Whereas the Security Council of the United Nations has recognized the seriousness of the unsettled conditions prevailing on the border between Greece on the one hand and Albania, Bulgaria, and Yugoslavia on the other, and, if the present emergency is met, may subsequently assume full responsibility for this phase of the problem as a result of the investigation which its commission is currently conducting; and

Whereas the food and agriculture organization mission for Greece recognized the necessity that Greece receive financial and economic assistance and recommended that Greece request such assistance from the appropriate agencies of the United Nations and from the Governments of the United States and the United Kingdom; and

Whereas the United Nations is not now in a position to furnish to Greece and Turkey the financial and economic assistance which is immediately required; and

Whereas the furnishing of such assistance to Greece and Turkey by the United States will contribute to the freedom and independence of all members of the United Nations in conformity with the principles and purposes of the Charter: Now, therefore,

Be it enacted, etc.

NATIONAL HOUSING PROGRAM FOR EDUCATION AND TRAINING OF WAR VETERANS

Mr. AIKEN. Mr. President, I ask unanimous consent to introduce for proper reference a bill and also ask unanimous consent to have an explanation of the bill printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred, and without objection, the statement presented by the Senator from Vermont will be printed in the RECORD.

There being no objection, the bill (S. 971) to amend title V of the act entitled "An act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended, to authorize the Federal Works Administrator to make grants to institutions of higher learning for the construction of educational facilities required in the education and training of war veterans, introduced by Mr. AIKEN, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The statement presented by Mr. AIKEN was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GEORGE D. AIKEN IN CONNECTION WITH THE INTRODUCTION OF A BILL TO AUTHORIZE THE FEDERAL WORKS ADMINISTRATOR TO MAKE GRANTS TO INSTITUTIONS OF HIGHER LEARNING FOR THE CONSTRUCTION OF EDUCATIONAL FACILITIES REQUIRED IN THE EDUCATION AND TRAINING OF WAR VETERANS

When the colleges opened last September 1,090,000 veterans were enrolled for full-time instruction in our institutions of higher education. These veterans swelled college enrollment from the 800,000 of the year before and the 1,490,000 enrolled in the previous peak year 1939–40 to a total of a little over 2,000,000 students. Incomplete reports for the second semester beginning in February show a still further increase of approximately 100,000 veterans in our colleges and universities over the number who were there last September. To meet this unprecedented increase in college enrollment and to carry out the implied contract between the Federal government and our educational institutions to provide educational opportunities for every able veteran who chooses to take advantage of the GI bill, colleges and universities, State and local governments, and the Federal Government have worked hand in hand.

Due to the scarcity of building materials and the immediacy of the demand, it was necessary to provide temporary housing and temporary classrooms and laboratories if institutions were to accept veterans through increasing their capacity for enrollment. Exact figures are not available but a careful analysis of just twelve institutions enrolling 74,000 veterans showed that they had themselves expended $5,462,000 for temporary facilities; the Federal Government has spent $8,369,000 for these same institutions. Put in national terms, the Federal Government has spent $75,000,000 for temporary classrooms, laboratories and other non-housing construction and in addition perhaps $200,000,000 for colleges and universities out of the $411,000,000 appropriated for temporary housing. If this same ratio of 5 to 8 in terms of relative expenditure holds for the Nation, then the institutions have spent for nonquota housing for site preparation and other expenditure for temporary structure something over $200,000,000.

These expenditures on the part of both the institutions and the Federal Government have been necessary to meet the immediate emergency especially since permanent building materials were not available. Data indicate clearly that temporary structures cost approximately five-eighths as much as permanent structures and in addition the

cost of operation and maintenance is very much greater. The great majority of these structures cannot be used more than 3 to 5 years even if the present law is repealed requiring their demolition within 2 years after the termination of the war.

If it were assumed that present enrollment in colleges and universities would remain constant, the demand for the immediate construction of permanent buildings is imperative. Temporary buildings have met only a part of the need, facilities are grossly inadequate for classrooms, laboratories, infirmaries, study halls, and libraries, and gymnasiums to meet the needs of the veterans now enrolled. Add to this need that resulting from the necessary demolition of present temporary structures and the financial investment which institutions must make becomes more than they are able to take care of in the light of the vast sums they have invested in the temporary structures. But, colleges and universities do not face a stable population. The number of veterans will continue to increase at least through 1950-51. More than 3,000,000 veterans who have not entered into educational institutions have already taken out their certificates of eligibility and entitlement. Since the average length of time that the veteran is entitled to education is 4 academic years, the estimate of an enrollment of 3,000,000 by 1950-51, more than half of whom will be veterans, is conservative.

One further factor bears upon granting assistance to colleges and universities for permanent construction. I have indicated that the maximum number of veterans in colleges will probably not come until 1950-51—an estimate concurred in by the Veterans' Administration—but the present GI bill gives the veteran 4 years after the termination of the war in which to begin his education and 9 years in which to complete it. Since the war has not been terminated, the minimum period of time in which large numbers of veterans will be enrolled in our colleges and universities is 9 years and already legislation has been introduced which will still further extend this time limit.

The United States Office of Education has certified institutional needs for non-housing construction of more than 12,000,000 square feet of floor space in excess of that which can be made available through appropriations for temporary facilities. Educational institutions stated that they would require a total of 52,000,000 square feet of floor space adequately to instruct veterans now enrolled and would need 41,000,000 more square feet to take care of the anticipated increase in veterans over the next 2 years.

States and institutions are willing and eager to expend their own funds for permanent construction. Due to the increase in construction cost resulting from the war, funds that in 1939 would have been adequate, now have declined in real value to the point that funds then available will not now meet more than a small proportion of the desperate need of educational institutions. The Congress has assured that established educational institutions will provide opportunity for all veterans who wish to procure an education. As I previously stated, the institutions, State and local governments, and the Federal Government have joined hands. The need has been partially met, but only partially. It can be met in full only by cooperating now still further in assisting institutions on a grant-in-aid basis to erect permanent structures, the need for which is demonstrated by the increase in enrollment resulting from veterans and is certified to by the United States Office of Education.

The bill which I have offered would add to the Lanham Act, as amended, a new section (sec. 505), providing that whenever the United States Commissioner of Education finds that there exists or impends at any institution of higher learning an acute shortage of educational facilities required for war veterans, engaged in the pursuit of courses of training or education under title II of the Servicemen's Readjustment Act of 1944, as amended, the Federal Works Administrator is authorized to make grants to such institution to aid in financing the cost of educational facilities to relieve the shortage.

I call particular attention to the features of this bill which provide that there shall be no Federal supervision or control over educational institutions that participate in this program, and that the institutions themselves shall bear at least 50 percent of the costs or construction under this program.

Funds appropriated under this bill shall not be available for obligation for new projects after June 30, 1948, or for any project which in the determination of the Federal Works Administrator cannot be commenced prior to December 31, 1948.

Seventy-five percent of the funds shall be apportioned among the States on the basis of the number of State veterans eligible for education and training under the GI bill. The remaining 25 percent of the funds shall be apportioned as the Federal Works Administrator may determine.

The bill authorizes the appropriation of $250,000,000 for carrying out this program and for administration expenses.

DECLARATION OF PUBLIC POWER POLICY

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent to introduce a bill.

There being no objection, the bill (S. 972) to declare the policy of the United States with respect to hydroelectric power generated in connection with federally financed water development projects and to provide procedures for carrying out such policy, introduced by Mr. THOMAS of Oklahoma, was received, read twice by its title, and referred to the Committee on Public Works.

Mr. THOMAS of Oklahoma. Mr. President, inasmuch as the bill proposes to set forth a public power policy, and further, inasmuch as the bill is not lengthy, I ask unanimous consent that a copy of the bill be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the bill (S. 972) was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That this act may be cited as the Federal Power Policy Act.

Section 1. It is hereby declared to be the policy of the United States that in order to develop, conserve, and protect our natural resources, flood control, reclamation, and navigation projects shall be constructed, operated, and maintained, and that hydroelectric energy, where economically sound and feasible, shall be developed as an incident to such public works when approved, authorized, and appropriated for by the Congress: *Provided*, That the revenues to be derived from the sale of energy developed at any project shall be estimated and when collected shall be credited to the cost and maintenance of such project.

DEFINITIONS

SEC. 2. (a) As used herein, "project power" means hydroelectric power and energy generated by Government-owned generating facilities at any Federal water-development project and used in the operation of such project and the facilities and appurtenances of its primary purpose; and may include such power and energy consumed in the operation of recreational or other authorized purposes in connection therewith, and power and energy delivered to other federally owned and operated facilities for their own use and not for resale.

(b) "Excess hydropower" means that hydroelectric power and energy generated by Government-owned generating facilities at any such project in excess of project power.

(c) "The Commission" means the Federal Power Commission.

DUTY TO MAKE RECOMMENDATIONS PRIOR TO AUTHORIZATION AND APPROPRIATION

SEC. 3. Prior to any authorization by the Congress for the construction of any Federal water development project, and prior to any appropriation therefor, any agency proposing or recommending same shall make and report to the Congress recommendations as to (a) the engineering feasibility of the proposed construction; (b) the estimated cost of the proposed construction; (c) the primary purpose of such project, whether for reclamation, irrigation, navigation, flood control, or any other purpose; (d) if the proposed construction includes hydroelectric generating facilities, the proportionate part of the estimated cost of each of the various purposes; (e) the cost and value of hydroelectric power and energy to be generated at such project; (f) the market availability for excess hydro power; (g) the economic feasibility of returning to the United States the estimated cost properly allocated to hydroelectric capacity and energy and the period of such amortization. *Provided, however*, That any plans, investigations, or recommendations made under the provisions of this section shall conform in all requirements to the provisions of section I of the Flood Control Act of 1944 (act of December 22, 1944); and said recommendations, investigations, and reports shall be advisory only and all final determinations shall be made by the Congress.

DUTY TO REPORT PORTION OF PROJECT TO BE DEVOTED TO FLOOD CONTROL

SEC. 4. If one of the purposes of any such project is the production of hydroelectric power in connection with the control of flood water, the agency recommending the construction of such project shall report to the Congress that portion of the water-storage capacity of the reservoir to be created which will be devoted to flood control and the Congress in authorizing the same shall be deemed to have dedicated by statute that portion of such reservoir to flood control, and thereafter no part of the water-storage capacity used for the production of hydroelectric power shall be permitted to encroach upon the storage capacity so dedicated to flood control.

DUTY TO SELL EXCESS HYDRO POWER AT WHOLESALE

SEC. 5. Excess hydro power, as defined herein, generated at any Federal water development project shall be delivered to the Federal Power Commission by the Federal agency which is operating the project for its primary purpose. Such excess hydro power as defined herein shall be sold by the Commission (a) at the dam site or point of production or from transmission lines owned and operated by Federal agencies; (b) without discrimination as to price or availability; (c) at rates as provided in section 7 hereof; and (d) at wholesale to persons or corporations, municipal or private, engaged in distributing and selling electric power and energy primarily to ultimate users; provided that preference in the use of any power and energy shall be given to the project producing such energy in such amount as may be necessary for the proper operation of such project and its appurtenances and provided further that preference in availability in the sale of excess hydro power by the Commission under subsection (d) shall be given as follows: (1) to rural electric cooperative corporations, financed in whole or in part by Federal funds, which are engaged only in rendering service to persons in rural areas not receiving central station service as restricted by the Rural Electrification Act of

1936 and amendments thereto: (2) to organizations created by State law operating irrigation and water projects without profit; (3) to any Federal institution maintained in whole or in part by funds provided by the Federal Government for its own use and not for resale and (4) to other purchasers defined in subsection (d) of this section.

FEDERAL POWER COMMISSION GIVEN JURISDICTION OVER RATES AND CONTRACTS

SEC. 6. Contracts for the sale of excess hydro power and rates therefor shall be subject to approval by the Federal Power Commission, which is required to give full effect to the Project Authorization Act and to this act.

ELEMENTS IN FIXING RATES OF SALE

SEC. 7. The rates charged for sale of excess power from each project shall take into consideration (a) the value thereof as determined by the Congress as the time of authorization; (b) the determinations of the Congress upon which authorization and appropriations were based; (c) the use of project power; and (d) an increment sufficient to amortize over a reasonable period of years that portion of the project costs allocated to irrigation which under the findings on which the project authorization is based, are not defrayed by the water users of the project. In no event shall such rates be less than is required to provide a return above operating, maintenance, and replacement costs sufficient to amortize the cost of the hydroelectric portion of the project in a period to be determined by the Congress, and to pay interest on the unpaid portion of the investment assigned to the hydroelectric portion of the project, and, if the project includes reclamation purposes, to afford maximum aid to reclamation commensurate with competitive rate conditions. The purpose of this section is that all the hydroelectric projects heretofore or hereafter authorized shall be self-liquidating and bear their fair share of the public debt.

MONEYS DEPOSITED WITH TREASURY

SEC. 8. All amounts of money collected by the Commission from the sale of such excess hydro power shall be deposited in the Treasury of the United States for disposition in accordance with existing law.

DUTY TO FOLLOW SOUND ACCOUNTING PRACTICES

SEC. 9. With respect to each project and sales of excess hydro power therefrom, the Commission shall account therefor in accordance with the uniform system of accounts provided by the Commission for private companies, and such agency shall, at the end of each fiscal year, file a full and complete report of its operation with the President of the United States and with the Congress.

SHALL NOT ACQUIRE PLANTS OR LINES TO GO INTO ELECTRIC BUSINESS

SEC. 10. No Federal agency shall construct or acquire hydroelectric plants or projects which have the generation of electric power and energy as their primary purpose. No Federal agency shall construct or acquire transmission lines except upon specific authorization made therefor by the Congress.

FINDINGS MUST BE ON HEARINGS UNDER ADMINISTRATIVE PROCEDURE ACT

SEC. 11. Any rate approved or any finding or determination made by the Federal Power Commission, or by any other commission, agency, or instrumentality of the United States, under the provisions of any Federal statute bearing on the generation, marketing, sale, or transmission, of hydroelectric power and energy, including, but not being limited to, this act and the Flood Control Act of 1944, shall be subject to the provisions of the Administrative Procedure Act; and all persons, firms, or corporations affected by any such approval, findings, or determinations are hereby given a litigable interest in the subject matter thereof to the end that their rights may be asserted and adjudicated as set out in the Administrative Procedure Act.

APPLICATION OF THIS ACT TO ALL PROJECTS

SEC. 12. This act shall apply to all Federal water development projects authorized by the Congress and to appropriations hereafter made by the Congress for any such projects, but nothing in this act shall apply to or be construed to repeal the Tennessee Valley Authority Act of 1933, as amended.

REPEAL CLAUSE

SEC. 13. Section V of the Flood Control Act of 1944 (act of December 22, 1944) and all other acts or parts of acts in conflict herewith are hereby repealed. Hereafter all functions of any Federal agency dealing with generation for sale and the sale of hydro power and energy shall hereafter be performed by the Commission in accordance with this act except that nothing in this section shall apply to the Tennessee Valley Authority Act of 1933 and amendments thereto.

EFFECT ON EXISTING CONTRACTS

SEC. 14. Nothing in this act shall affect or invalidate any existing contract heretofore made by the Department of the Interior or extension or renewal thereof for the sale of power and energy, the sale of which was before the passage of this act under the jurisdiction of the Department of the Interior.

SEC. 15. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

Mr. THOMAS of Oklahoma. Mr. President, I propose to discuss the Government's public power policy. Coming from Oklahoma some Senators may wonder what interest my State has or may have in a public power policy. Very soon Oklahoma will be one of the important producers of hydroelectric power.

At this time we have two such power plants in Oklahoma, one on the Grand River and the other the Denison located on the Red River between my State and the State of Texas.

A third hydroelectric power plant is now under construction at Fort Gibson and a fourth plant at Tenkiller Ferry is advertised for construction.

Two other such plants, one at Oologah and the other at Markham Ferry are authorized for construction.

Then there are three additional proposed plants, one at Eufaula, one at Stone Mountain, and the other at Keystone, all surveyed, approved and reported to the Congress for authorization.

Thus in time we shall have at least nine hydroelectric power plants located in my State of Oklahoma, and it is this program which elicits my interest in the public power policy or program of the Government.

Mr. President, I have just introduced a bill proposing to define the Government's policy with respect to the development, sale, and distribution of hydroelectric energy produced at flood control, reclamation, and navigation projects.

The bill has been referred to the Committee on Public Works for consideration and, later, I hope the bill will be reported to the Senate for further consideration and action.

At the outset let me say I hope the bill, when passed, will promote and expand the development and use of electric energy at the lowest possible cost to consumers.

The bill has been prepared and introduced as the result of a conviction that our domestic economy is being retarded by a lack of power.

The Wall Street Journal of February 14 carried an article which stated that at the present time there is an acute power shortage in the Pacific Northwest.

The article referred specifically to the power now being developed at the Bonneville and Grand Coulee Dams located on the Columbia River.

These two dams are capable of producing some 2,500,000 kilowatts of electric energy, or enough power to serve the city of New York with its 8,000,000 population, and now the demand for power from the two plants is greater than the supply.

I was a Member of the Senate when the two mentioned dams were first proposed for construction.

That was during the dark days of the depression when workers in all parts of the country were idle; hence, the two dams were undertaken in an effort to give employment to a vast number of people not only in the construction of the dams themselves but employment in mines and factories where commodities could be produced for use in not only the construction of the dams but in the development and distribution of hydroelectric energy.

At that time it was freely predicted, even by the sponsors of the two proposed projects, that they would probably be white elephants on the hands of the Government for years to come, if not indefinitely.

As proof of such uncertainty the preliminary plans for the building of the dams provided only for the installation of a few generating units; however, while the dams were being constructed the demand for power increased so rapidly that additional generating units were appropriated for before the dams were completed.

At the present time the demand for power in the Pacific Northwest is so great that the Bonneville and Grand Coulee Dams together with other plants are not able to meet the demands for power.

It appears from the article just mentioned that an agreement has been reached between the management of the said public-power dams and the heads of private utilities providing that the Government shall develop the electric energy and that the private utilities shall distribute such energy.

The bill just introduced proposes to adopt and establish the basis of such agreement as the public-power policy of the Government.

UNITED STATES HAS NO DEFINITE POWER POLICY

Today we have no definite public power policy; hence, the time is opportune for the consideration of a proposal such as is presented in the bill just introduced.

In the past some feeble efforts have been made in the direction of the development of a public power policy.

During the first session of the Sixty-fifth Congress an amendment was added to the River and Harbor Appropriation Act (sec. 18, 40 Stat. 250) providing for the creation of a Waterways Commission

to have general supervision over waterways and water resources for the purposes of navigation and for every useful purpose, but the work of such Commission was subject to the approval of the heads of the several executive departments concerned.

Because of such divided authority no constructive results were accomplished by such Commission.

At later dates the Congress authorized the construction of many power projects such as the TVA, the Bonneville, the Grand Coulee, the Fort Peck, and the Shasta and each such project has laws, rules, and regulations for its individual operation and management.

We now have some $722,500,000 after depreciation reserves invested in the TVA and the 1948 budget recommends some $71,000,000 for extensions.

TWO BILLIONS INVESTED IN PUBLIC POWER PROJECTS

The sums invested in Federal power projects make up a total of some $2,000,000,000 already expended for the production of hydroelectric power.

We have other reclamation, flood control, and navigation projects where power is being produced and we have still other power projects under construction which seem to make it obvious that a definite public power policy should be developed and formally declared as a part of our program for the conservation of our natural resources.

The development of public hydroelectric energy is already a definite part of our Government's conservation program, but such program is in no sense coordinated.

DIRKSEN BILL, H. R. 59

Representative DIRKSEN has introduced in the House of Representatives a bill—H. R. 59—providing for the creation of the Office of Power Administration for the coordinated administration of all Federal functions pertaining to the generation, distribution and sale of electricity and the regulation of electric utilities.

In explaining to the committee the need for legislation on the subject of the control of public power Representative DIRKSEN said:

Now, I say to you in all candor, gentlemen, that public power today is incomprehensible and not understandable by any man in the United States, including the Congress of the United States. And now let me proceed to prove it. First, let us take legislation for public power: When the TVA wants legislation they will go to the Committee on Armed Service. When REA wants legislation it will go to the Committee on Agriculture; when the Army wants legislation on flood control, or the War Department wants legislation involving power they will go to the Public Works Committee which involves flood control. When those interested in irrigation want money for public power they will go to the Public Lands Committee; when the Federal Power Commission wants legislation it will come to this Committee on Interstate and Foreign Commerce. When the RFC wants some authority with respect to power loans, it will go to the Banking and Currency Committee, and when they want power on an Indian reservation, they will go to Subcommittee on Indian Affairs in the Public Lands Committee. There you have over seven regular legislative committees of the Congress that are dealing with the various aspects of public power; but when you get to the appropriations for public power, the situation is even worse.

I am still quoting Representative DIRKSEN.

When REA wants money, it comes to my committee, the subcommittee on Agriculture Department appropriations. When the Bonneville Power Authority wants money, it goes over before BOB JONES' committee on the Interior appropriations bill; when they want money for public money for power in the irrigation domain, they will go to the Subcommittee on the Interior. If they want money for public power as an incident to reclamation, they will go to the subcommittee on Interior appropriations bill. When the War Department wants some money for flood-control projects where power is involved, it goes to Mr. PLUMLEY's committee, or one of the committees on War Department civil functions. When the Federal Power Commission wants money it will go to the subcommittee on Independent Offices, under Mr. WIGGLESWORTH. When the TVA wants money it will go to Mr. JENSEN'S subcommittee on appropriations, and when they want a little additional money they will go to Mr. Tarver's subcommittee on Deficiency and Supplemental, so we have seven legislative committees of the House that are dealing with public power today, and we have eight subcommittees of the Appropriations Committee that are dealing with various aspects of public power.

Show me one man in the Senate or in the House of Representatives of the United States, or show me one man in the administrative branch of the Government, or you show me a single individual in the United States of America who knows anything much about the coordination of public power and I will make a trip at my own expense to see him, even if he lives on the Pacific coast.

Now then, how are we going to understand this sort of thing unless we finally get around to setting up an Office of Power Administration or a Federal Power Authority, where you can give it single direction from the top, and somebody, particularly the Congress, can finally know what this thing is going to be all about?

The foregoing statement is not an exaggeration. The clash of authority; the duplication and the waste of public funds are under, rather than overstated.

I agree that Representative DIRKSEN has stated ample reasons for the present consideration of a proposal to develop and announce a public power policy.

In connection with the enactment of the flood-control law of 1944 the Congress devoted one section—section 5—to the disposition of electric power and energy generated at reservoir projects under the control of the Secretary of War and directed that such energy be delivered to the Secretary of the Interior for sale in wholesale quantities to "facilities owned by the Federal Government, public bodies, co-operatives, and privately owned companies."

NO EFFECTIVE LAW ON POWER

To date, no general law has been enacted to govern the sale and distribution of hydroelectric energy developed at reclamation projects.

The bill I have just introduced is intended to establish a coordinated and over-all policy for the sale and distribution of such hydroelectric energy as may be developed at flood control, reclamation, and navigation projects already in existence or to be hereafter constructed.

The text of the bill just introduced was prepared by Charles F. Boots of the office of the Senate legislative counsel from notes submitted by me. Such notes consisted of a speech made in the Senate during the last session in opposition to an item of some $23,000,000 for the Southwestern Power Administration and a portion of a speech made by me on July 1, 1944, at the dedication of the Denison Dam located on the Red River between Oklahoma and Texas.

At that time I said:

Public power, as a rule, is produced as a byproduct of flood control, reclamation, and navigation developments.

The Government should not, in my judgment, enter the field of power development in such a manner as to destroy the value of existing power facilities which have served and are serving the wants and needs of the people.

It seems to me that a cooperative plan of power development and distribution may be worked out whereby the people in the cities and on the farms may receive the benefits of such power at reasonable rates.

Such a plan should embrace a program wherein the Government may create the electrical energy and the existing distributing systems may take the current at the point of manufacture and thereby both the Government and the existing systems may profit by such cooperative plan of operation.

Former Senator James P. Pope, now a director of the Tennessee Valley Authority, has just made the following statement:

There is no doubt but that this cooperative effort, which makes for efficiency, economy, and better service, is here to stay and will play an increasingly important part in the future development of the public and private power industry.

Unless this policy is adopted the Government will be forced to build stand-by steam plants and in addition will have to build transmission and distributing lines in order to deliver the electricity to the consumers.

The Government is interested in making a success of its flood control, reclamation, and navigation power developments.

The public is interested in securing electricity at a reasonable price.

These two interests can be harmonized and adjusted to the benefit of both the Government and the consumers.

This is one of the problems that must be solved and when it is solved it must take into consideration the injury done by removing property from taxation and then it must give credit to the value which may be created as the direct result of the making available of an abundance of cheap power.

INTERIOR DEPARTMENT'S POWER POLICY

On January 3, 1946, the Secretary of the Interior released a memorandum wherein he undertook to state and establish a public power policy for our Government. In such memorandum the Secretary set forth the following basic principles:

1. Federal dams shall where feasible include facilities for generating electrical energy.

2. Preference in power sales shall be given to public agencies and cooperatives.

3. Power disposal shall be for the particular benefit of domestic and rural consumers.

4. Power shall be sold at the lowest possible rates consistent with sound business principles.

5. Power disposal shall be such as to encourage widespread use and to prevent monopolization.

In the memorandum the Secretary attempted to state the Government's public power policy, but while in the main sound and correct, such policy and program have not yet been approved by the Congress.

For example, he said in his memorandum that each hydroelectric generating plant "shall have its own steam stand-by and reserve facilities where necessary to independent operation on an economical and efficient basis."

This item of his program has not been approved by the Congress to this date.

An investigation discloses that we now have under the Reclamation Bureau some 32 hydroelectric plants in operation.

Also, that the Reclamation Service now has some 12 additional plants under construction, and, still further, such Service has some 15 plants authorized for construction.

RECLAMATION HYDROELECTRIC PLANTS

This makes a total of 59 hydroelectric plants that under the Secretary's program must have steam stand-by generating facilities and the cost of such facilities will be an additional drain on the Public Treasury.

In addition to the 59 hydroelectric plants, some completed, others under construction and still others authorized, we have some 20 multiple-purpose dams already constructed or being constructed by the Corps of United States Engineers.

The hydroelectric generating plants already in existence or under construction or authorized, number 79, and while perhaps a few of such plants do not and will not need stand-by steam plants, yet it is known and admitted that practically all hydroelectric plants must have stand-by steam plants in order to produce firm power for sale to the consuming public.

In order to make the record complete, I ask permission to print as a part of my remarks a list of the 59 reclamation projects under four headings.

First, a list of 18 projects already constructed and being operated by the Bureau of Reclamation.

The second list contains the names of 14 projects constructed by the Bureau of Reclamation and now being operated by others than such Bureau.

The third list contains the names of 12 reclamation projects now under construction.

The fourth list contains the names of 15 projects authorized but not now under construction.

The statement in four parts asked to be printed contains the names of the several projects, the States in which they are located, the present kilowatt capacity, and the ultimate kilowatt capacity.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Hydroelectric plants on reclamation projects, operating, under construction, or authorized, as of Dec. 31, 1946

NO. 1 LIST OF PROJECTS

OPERATED BY BUREAU OF RECLAMATION

State	Project	Plants	Initial operation	Present kilowatt capacity	Ultimate kilowatt capacity	Present number of generators and capacities (kilowatts)	Ultimate number of generators and capacities (kilowatts)	Operating status
Arizona-California	Yuma	Siphon Drop	1926	1,600	1,600	2-800	2-800	A
Arizona-Nevada	Boulder	Boulder [1]	1936	1,034,800	1,322,300	12-82,500; 1-40,000; 2-2,400	15-82,500; 2-40,000; 2-2,400	C
Arizona-California	Parker	Parker	1942	120,000	120,000	4-30,000	4-30,000	A
California	Central Valley	Shasta	1944	154,000	379,000	2-75,000; 2-2,000	5-75,000; 2-2,000	A
Colorado	Colorado-Big Thompson	Green Mountain	1943	21,600	21,600	2-10,800	2-10,800	A
Do	Grand Valley	Grand Valley [2]	1932	3,000	3,000	2-1,500	2-1,500	C
Idaho	Boise	Boise River	1912	1,500	1,500	3-500	3-500	A
Do	do	Black Caynon	1925	8,000	8,000	2-4,000	2-4,000	A
Do	Minidoka	Minidoka	1909	13,400	13,400	1-5,000; 1-2,400; 5-1,200	1-5,000; 1-2,400; 5-1,200	A
Montana	Fort Peck	Fort Peck [3]	1943	35,000	85,000	1-35,000	2-35,000; 1-15,000	D
Nebraska-Wyoming	North Platte	Guernsey	1927	4,800	4,800	2-2,400	2-2,400	A
Do	do	Lingle	1919	1,400	1,400	2-400; 2-300	2-400; 2-300	A
New Mexico	Rio Grande	Elephant Butte	1940	24,300	24,300	3-8,100	3-8,100	A
Washington	Columbia Basin	Grand Coulee [4]	1941	740,000	2,190,000	6-120,000; 2-10,000	18-120,000; 3-10,000	E
Do	Yakima	Prosser	1932	2,400	2,400	1-2,400	1-2,400	A
Wyoming	Kendrick	Seminole	1939	32,400	32,400	3-10,800	3-10,800	A
Do	Riverton	Pilot Butte	1925	1,600	1,600	2-800	2-800	A
Do	Shoshone	Shoshone	1922	5,600	5,600	1-4,000; 2-800	1-4,000; 2-800	A
Subtotal				2,205,400	4,217,900			

NO. 2 LIST OF PROJECTS

OPERATED BY OTHERS ON RECLAMATION PROJECTS

Arizona	Salt River	Chandler [6]	1919	600	600	1-600		B
Do	do	Roosevelt [6]	1909	15,400	15,400	5-1,080; 1-4,000; 1-6,000		B
Do	do	Arizona Falls [6]	1913	850	850	2-425		B
Do	do	Cross Cut [6]	1914	5,100	5,100	1-3,000; 3-700		B
Do	do	Stewart Mountain [7]	1930	10,400	10,400	1-10,400		B
Do	do	Horse Mesa [7]	1927	30,000	30,000	3-10,000		B
Do	do	South Consolidated [8]	1912	1,600	1,600	2-800		B
Do	do	Mormon Flat [7]	1926	7,000	7,000	1-7,000		B
Arizona-California	All-American	Drop [3 8]	1941	4,800	9,600	1-4,800	2-4,800	B
Do	do	Drop [4 8]	1941	9,600	19,200	1-9,600	2-9,600	B
Nevada	Newlands	Lahontan [6]	1911	1,500	1,500	3-500	3-500	C
Oregon	Deschutes	Cove No. 2 [12]	1946	1,500	1,500	1-1,500	1-1,500	C
Texas	Colorado River	Marshall Ford [5]	1941	67,500	67,500	3-22,500		B
Utah	Strawberry Valley	Spanish Fork [6]	1908	1,550	1,550	2-450; 1-250; 1-400		C
Subtotal				157,400	171,800			

NO. 3 LIST OF PROJECTS

UNDER CONSTRUCTION

Arizona-Nevada	Davis	Davis			225,000		5-45,000	A
California	Central Valley	Keswick [10]			75,000		3-25,000	A
Colorado	Colorado-Big Thompson	Estes Park			45,000		3-15,000	A
Do	do	Mary's Lake			8,100		1-8,100	A
Idaho	Boise	Anderson Ranch [11]			40,500		3-13,500	A
Do	Palisades	Palisades			30,000			A
Montana	Hungry Horse	Hungry Horse			286,000			E
North Dakota	Missouri Basin	Garrison			320,000		8-40,000	D
South Dakota	do	Fort Randall			240,000		6-40,000	D
Wyoming	do	Boysen			15,000		2-7,500	A
Do	do	Kortes			36,000		3-12,000	A
Do	Shoshone	Heart Mountain			5,000		1-5,000	A
Subtotal					1,325,600			

Footnotes at end of table.

Hydroelectric plants on reclamation projects, operating, under construction, or authorized, as of Dec. 31, 1946—Continued

NO. 4 LIST OF PROJECTS

AUTHORIZED BUT NOT UNDER CONSTRUCTION

State	Project	Plants	Initial operation	Present kilowatt capacity	Ultimate kilowatt capacity	Present number of generators and capacities (kilowatts)	Ultimate number of generators and capacities (kilowatts)	Operating stains
California	Kings River	Balch			52,500			A
Do	do	Pine Flat			45,000			A
Do	do	Wishon			4,000			A
Colorado	Colorado-Big Thompson	Six plants			101,200			A
Montana	Canyon Ferry Dam	Canyon Ferry			36,000		3-12,000	A
Do	Hardin	Yellowtail			125,000		5-25,000	A
Nebraska	Bostwick	Harlan			2,000		2-1,000	D
North Dakota	Missouri Basin	Crosby			72,000		6-12,000	A
Do	do	Des Lacs			72,000		6-12,000	A
South Dakota	do	Big Bend			120,000		6-20,000	D
Do	do	Gavins Point			36,000		3-12,000	D
Do	do	Miller			144,000		6-24,000	A
Do	do	Oahe			400,000		8-50,000	D
Washington	Yakima	Roza			12,000			B
Wyoming	Missouri Basin	Glendo			15,000			A
Subtotal					1,236,700			
Total				2,362,500	6,952,000			

[1] Operated under agency contract.
[2] Leased to Public Service Co. of Colorado.
[3] Dam and power plant constructed and operated by War Department; power transmitted and sold by Bureau of Reclamation.
[4] 3 additional units of 120,000-kilowatt capacity each now on order.
[5] 400-kilowatt station service unit not included.
[6] Original plant built by the United States as part of the project.
[7] Plant built by Salt River Valley Water Users' Association.
[8] Plant built by Imperial Irrigation District.
[9] Plant built by Lower Colorado River Authority of Texas.
[10] Construction of dam and power plant stopped during war. Construction now resumed.
[11] Construction of dam stopped during war, construction now resumed.
[12] Unit No. 3 installed and owned by Bureau of Reclamation in Pacific Power & Light Co. plant and operated by company.

Reference symbols: A—Owned, operated, and power marketed by the Bureau of Reclamation. B—Owned, operated by public non-Federal agencies. C—Owned by Bureau of Reclamation; operated by others. D—Owned by Army Engineers; power marketed by Bureau of Reclamation. E—Owned and operated by Bureau of Reclamation; power marketed by others.

Mr. THOMAS of Oklahoma. Mr. President, the data referred to shows that the Reclamation Service is now producing some 2,263,800 kilowatts of electric energy and that such projects, together with those under construction and others authorized for construction will, when completed, have a capacity of producing some 6,952,000 kilowatts of electric energy.

So much for the production and proposed production of electric energy under the Bureau of Reclamation.

UNITED STATES ENGINEERS' HYDROELECTRIC PLANTS

In addition to reclamation produced hydroelectric power, we have another Federal agency actively engaged in the production of hydroelectric power, and that is the Corps of United States Engineers, operating as a part of the War Department.

I further ask to have printed as a part of my remarks three lists of multiple-purpose dams under the supervision of the said Corps of Engineers.

The first list contains the names of four multiple-purpose dams already constructed and under operation.

The second list contains the names of 11 multiple-purpose dams now under construction by said Corps of Engineers.

The third list contains the names of five multiple-purpose dams to be initiated by the Corps of Engineers during the fiscal year ending June 30, 1947.

No. 1 list of projects

Multiple-purpose dams constructed by the Corps of Engineers now producing power

Bonneville, Columbia River, Oreg. and Wash.
Fort Peck, Missouri River, Mont.
Denison, Red River, Tex. and Okla.
Norfork, North Fork of White River, Ark.

No. 2 list of projects

Multiple-purpose dams now under construction by the Corps of Engineers at which power will be produced

Buggs Island, Roanoke River, Va. and N. C.
Clark Hill, Savannah River, S. C. and Ga.
Allatoona, Etowah River, Ga.
Narrows, Little Missouri River, Ark.
Bull Shoals, White River, Ark. and Mo.
Fort Gibson, Grand River, Okla.
Fort Randall, Missouri River, S. Dak.
Garrison, Missouri River, N. Dak.
Wolf Creek, Cumberland River, Ky.
Center Hill, Caney Fork River, Tenn.
Dale Hollow, Obey River, Tenn. and Ky.

Number 3 list of projects

Multiple-purpose dams to be initiated by the Corps of Engineers during fiscal year 1947 at which power will be produced

McNary, Columbia River, Wash. and Oreg.
Sault Ste. Marie, St. Marys River, Mich.
Blakely Mountain, Ouachita River, Ark.
Whitney, Brazos River, Tex.
Tenkiller Ferry, Illinois River, Okla.

The data authorized to be printed show that the Bonneville power project was constructed by the Corps of Engineers and the power being produced is sold and distributed by the Bonneville Power Administration, under the supervision of the Department of the Interior. This is the exact program that is proposed in the bill save that under the bill such power is to be disposed of by the Federal Power Commission.

STAND-BY STEAM PLANTS NECESSARY

The several lists of public power projects—reclamation and flood control—total some 78, and if the Government should decide to follow the recommendation of the Secretary of the Interior and construct steam stand-by and reserve facilities at each of the said dams, then a total of some 78 steam stand-by plants and facilities remain to be constructed as a part of our public-power program.

The reclamation plants constructed and authorized will generate some 6,952,000 kilowatts and the United States engineers flood-control plants constructed and under construction will generate some 4,092,800 kilowatts or a total of some 11,044,800 kilowatts of electric energy.

It must be admitted that at each hydroelectric plant, to the extent that the water supply is not firm and constant, steam stand-by plants must be provided, hence the issue arises as to whom—the Government or the local private utility—shall provide such plants. If by the Government—then the stand-by plants will yet have to be built, but if by the local utilities then such steam plants are already constructed and now in service.

If built by the Government the size and cost of such plants would be controlled by the amount of power necessary to be produced at any hydroelectric facility; hence, the cost of the several stand-by steam plants would vary somewhat at the respective hydropower developments.

The total expenditures for the construction of the necessary stand-by steam plants will be governed by the total amount of stand-by electric energy needed to make firm all power sold by the Government under contract.

If only one-half of the total estimated hydroelectric power is to be insured by stand-by steam plants then we will have to construct plants to produce a total of some 5,522,400 kilowatts of electric energy.

The former cost of buildings, machinery, and equipment necessary to produce steam electric energy was some $100 per kilowatt. A more recent estimate is $125 per kilowatt, but at $115 cost per kilowatt the stand-by steam plants will cost some $635,076,000.

If the Secretary's recommendation should be carried out, in addition to stand-by steam plants, transmission, and distribution lines would have to be constructed—all at the expense of the Federal Treasury and such outlay of Federal funds will be even more than the cost of the stand-by steam plants.

Further, in addition to the expenses mentioned a vast personnel would have to be assembled to carry on the work of the vast electrical empire provided by the nationalization or near nationalization of electrical energy.

REA COOPERATIVES HAVE FIRST PRIORITY ON PUBLIC POWER

At this point I call attention to another item that has never been made clear to the consumers of electricity. This explanation is made for the benefit of the 1,009 electric cooperatives—forming the Nation-wide rural electrification program, which, under the provisions of the bill, have first priority for the power developed at reclamation and flood-control hydroelectric projects.

The said 1,009 cooperatives now serve some 1,675,228 rural consumers. The number of such consumers is increasing rapidly and it is estimated that when the REA program is completed we will have more than one-half of our rural population served with REA electric energy.

It is obvious that REA subscribers and consumers—one of whom I am—want electric energy and service at the lowest cost consistent with sound business principles.

I am a member of the Cotton Electric Cooperative, with headquarters at Walters, Okla. My yearly rate is $18 for the first 180 kilowatt-hours used. On the excess of this amount the rate is 5 cents for the first 100 kilowatt-hours and 3 cents each for all in excess of that amount.

If figured and paid by the month, the rate will be 10 cents each for the first 30 kilowatt-hours, or $2.95 if there is as many as 30 kilowatt-hours used. The next 50 kilowatt-hours at 5 cents each and the next 920 kilowatt-hours at 2½ cents each. The next 2,000 kilowatt-hours at 2 cents each and all over that at 0.01¾ cent each. With such rates in effect in my section of Oklahoma, I am certainly in favor of any bill or program that will give us cheaper power.

To the subscriber or consumer not versed in the cost of developing and distributing electric energy it might seem that the entire monthly bill was to cover the cost of the single item—the amount of energy consumed.

An analysis of an REA electric-light statement, or bill, as it is commonly called, will show that the subscriber or consumer is paying not for just electric energy but for at least eight distinct items, which may be listed as follows:

1. Interest on the cooperative Federal loan;
2. Amortization of such loan;
3. Cost of operating the cooperative;
4. Cost of maintenance;
5. Cost of collecting;
6. Miscellaneous;
7. Depreciation; and
8. Cost of energy consumed.

The items of cost, as listed, do not cover the line loss which is a charge against the cooperative—hence a charge against the members of such cooperative.

IF ELECTRICITY IS FREE MONTHLY BILL STILL LARGE

An analysis of such a statement will show that only a relatively small part of the total bill is to pay for the current or electric energy consumed so that if the cost of the current or electric energy was zero or free the subscriber or consumer would have a sizable monthly bill to pay.

In the case of my Cotton Electric Cooperative the amount of my bill for items other than for current or electric energy is some 80 percent, leaving 20 percent for the payment of the current or energy consumed.

On a $10 monthly bill from $1.15 to $2.50 is for current or energy and the balance, from $7.50 to $8.85, is for interest, amortization, operation, maintenance, depreciation, and miscellaneous expenses.

In Oklahoma the percentage of costs of current or energy with respect to revenue to cooperatives ranges from 11½ to 25 percent. While the cost of current or electric energy is an important item yet if such current or energy was furnished free the subscribers or consumers would still have sizable bills to meet monthly.

GOVERNMENT OWNERSHIP OF ELECTRIC FACILITIES MEANS LOSS OF TAXES

In my State of Oklahoma the electric utilities pay Federal, State, county, municipal, and school-district taxes in the approximate sum of $4,058,000 annually, and while Oklahoma is not a poor State we cannot afford to lose so much revenue to our several public treasuries.

Investigation discloses that the electric-utility companies pay a substantial part of the tax income of the Treasury. During 1945 such companies paid in Federal taxes the sum of $423,000,000 and paid State and local taxes in the sum of $239,000,000, or total taxes in the sum of $662,000,000.

It should be obvious that with a national debt of some $260,000,000,000 and an annual budget of over $30,000,000,000 to meet, it is not the time to expend vast sums in constructing duplicate electric facilities on the one hand and on the other at the same time decrease the tax revenues by either the purchase of existing electric facilities or the construction of duplicate facilities—all of which when in operation would be on the tax-free list.

GALLUP POLL SHOWS PUBLIC SENTIMENT AGAINST GOVERNMENT OWNERSHIP AND OPERATION OF ELECTRIC FACILITIES

According to the Gallup poll, public sentiment is against the public ownership and operation of electric-power facilities and companies.

On January 28, 1947, the American Institute of Public Opinion, popularly known as the Gallup poll, released an article containing the following question and answers:

"Do you think the United States Government should own electric-power companies?"

In 1936, 40 percent answered "Yes," 52 percent answered "No," and 8 percent were undecided. In 1945, 29 percent answered "Yes," 50 percent answered "No," and 21 percent were undecided. Today, January 28, 1947, 28 percent answered "Yes," 64 percent answered "No," and 8 percent were undecided.

In the poll article it is stated that "fewer Americans want to see the Federal Government own railroads, banks, or electric-power companies today than was the case a decade ago."

The articles states further that "England's labor government has embarked on a sweeping program on nationalization of electric power, coal mines, transportation, and other key industries. By contrast the American workers, including those who belong to labor unions, vote by a substantial majority in favor of continued private ownership."

The poll referred to shows that the vast majority of the 142,000,000 Americans are neither communistic, fascistic, nor are they socialistic. However, I do not intend to say that those who favor the nationalization of our electrical industry are either Communists, Fascists, or Socialists, but it is obvious that the nationalization of our electric industry is a trend toward the nationalization of all industries and such an accomplishment would change our system of free enterprise to that of a Socialist or communistic economy.

ANALYSIS OF BILL

The first section of the bill just introduced defines the policy of our Government with respect to the development of hydroelectric power.

Section 2 gives definitions.

Section 3 provides that full investigations shall be made prior to authorization and appropriations for the development of hydroelectric energy.

Section 4 provides that the exact part of any reservoir to be used for the production of power shall be set forth definitely and thereafter such report shall be complied with.

Section 5 provides that the excess power produced shall be delivered to the Federal Power Commission for sale and distribution under priorities with rural electric cooperatives having first call for such power.

Section 6 provides that the Federal Power Commission shall have exclusive jurisdiction over rates and contracts. This means that the Government will build, own, and operate the plants, make contracts for the sale of the excess power to local distributors, and in such contracts shall assert the right to control the rates charged by the local distributors in their resales of such power to consumers.

Section 7 suggests the elements to be considered by the Federal Power Commission in fixing the rates of sale to distributors.

Section 8 provides that all money collected by the Commission from the sale of excess power shall be deposited in the United States Treasury.

Section 9 provides that the Commission shall follow sound and approved accounting practices, and shall report to the President and to the Congress.

Section 10 provides that no Federal agency shall construct or acquire hydroelectric plants which have the generation of electric power and energy as their primary purposes.

Section 11 provides for public hearings.

Section 12 provides that the act shall apply to all public water-development projects heretofore or now being constructed or hereafter authorized and appropriated for, but specifically exempts the Tennessee Valley Authority project.

Section 13 is a repeal clause affecting section 5 of the Flood Control Act of 1944, and provides that all things to be done respecting the supervision and sale

of hydroelectric power shall be performed by the Federal Power Commission.

Section 14 provides protection for all existing contracts.

Section 15 authorizes appropriation to carry into effect the provisions of the law.

As the author of the bill, I make the following claims:

First. We will avoid the expense of building stand-by steam plants; such expense estimated to be as much as $635,076,000.

Second. We will avoid the expense of building transmission and distributing lines which might cost more than the steam stand-by plants.

Third. We will avoid the expense of a vast personnel which would be necessary to supervise and manage the operation of the plants and offices in connection with the generation and distribution of such hydroelectric power.

Fourth. We will avoid the possible loss of vast sums in Federal income taxes in the sum of $423,000,000 in 1945.

Fifth The States, counties, cities, and local districts will avoid the possible loss of electric-utility taxes in the sum of $239,000,000 in 1945.

In addition to the vast savings to the Treasury and the taxpayers the bill will bring to the Treasury and to the people vast sums as follows:

First. The Federal Treasury will receive the revenue derived from the sales of the power at the dams.

Second. The Treasury will continue to receive the income taxes from the electric utilities which amount to many hundreds of millions of dollars annually.

Third. The stockholders and bond holders will continue to receive dividends and interest from their investments and they in turn will continue to pay income taxes on such income to the Federal Treasury.

Fourth. The consumers will secure electric energy at the lowest possible cost consistent with sound and efficient management—all under the supervision of the Federal Power Commission.

I contend that the bill will stimulate and expand the production of hydroelectric energy by making available more funds for the development of reclamation and flood-control projects.

The funds saved from expenditures on stand-by steam plants, transmission and distributing lines, and personnel will be available for the construction of such projects.

The enactment of the bill into a law will coordinate and concentrate the public power activities of the Government into one Federal agency—the Federal Power Commission now already in existence. This coordination of Government agencies will likewise save the Treasury vast sums of money annually.

To the extent that the program suggested saves expenditures and, in addition, provides additional funds and revenues to the Treasury the bill will assist in balancing the budget and in meeting the costs of the Federal Government.

Summarizing and in conclusion, I contend that the bill, when enacted into law, will do two very unusual things—it will both save money and make money for the Federal, State, city, county, and district treasuries.

It will save money for the Federal Treasury by not incurring the enormous expenses of constructing stand-by steam plants, of transmission and distributing lines and the personnel necessary to supervise and manage such utilities.

The bill will save money for the State, city, county, and district treasuries by preserving for them the taxes they are collecting at the present time.

The bill will make money for the Federal Treasury through the sale of electric energy at the point of manufacture.

The bill will make money for State, city, county, and district treasuries through savings in electric bills and services.

It is my contention that under the provisions of the bill the public interest will be served and at the same time the consumers will secure electric energy and services at the lowest possible rates consistent with sound business principles and efficient management.

ADJOURNMENT TO MONDAY

Mr. WHITE. I move that the Senate adjourn until Monday next.

The motion was agreed to; and (at 5 o'clock and 37 minutes p. m.) the Senate adjourned until Monday, March 24, 1947, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate March 21 (legislative day of February 19), 1947:

DIPLOMATIC AND FOREIGN SERVICE

Edwin F. Stanton, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Siam.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 21 (legislative day of February 19), 1947:

DEPARTMENT OF STATE

Garrison Norton to be an Assistant Secretary of State.

DIPLOMATIC AND FOREIGN SERVICE

TO BE FOREIGN SERVICE OFFICERS OF CLASS 2 AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA

David M. Maynard
Franklin W. Wolf

TO BE FOREIGN SERVICE OFFICER OF CLASS 3, CONSUL, AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA

Claude Courand

TO BE FOREIGN SERVICE OFFICERS OF CLASS 4, CONSULS, AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA

Henry C. Ramsey
Anthony Clinton Swezey
Horace G. Torbert, Jr.

TO BE FOREIGN SERVICE OFFICERS OF CLASS 6, VICE CONSULS OF CAREER, AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA

Taylor G. Belcher
John G. Gossett
Roye L. Lowry
Benjamin J. Ruyle
Miss Mary E. Volz

HOUSE OF REPRESENTATIVES

FRIDAY, MARCH 21, 1947

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Father of our Lord and Master, harken unto our prayer; we beseech Thee that it may climb to the highest courts of heaven, to Him who wore our human flesh and made Thy love available to all. Separate us from the things that divide us, from the forgetfulness of the things we should remember, and from everything that obscures Thy holy purpose.

Dear Lord, consecrate the homes of our land and cleanse our politics; undismayed, help us to face our problems with truth and honor, that the Congress may be a constant inspiration to all ranks of our citizens. O give us wisdom to discern and courage to do whatever is needful. Grant that the Members may work and plan together in mutual trust, with integrity of character and devotion of purpose. Help us to find our joy in doing Thy will, engendering the spirit of true patriotism, from the chiefest to the humblest. Looking back at the close of these hours, may we feel, with pardonable pride, the sense of Thy approval. In our Saviour's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries.

EXTENSION OF REMARKS

Mr. ROBERTSON asked and was given permission to extend his remarks in the RECORD.

Mr. HILL asked and was given permission to extend his remarks in the RECORD and include four resolutions adopted by the General Assembly of the State of Colorado.

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from South Dakota [Mr. MUNDT] be given permission to extend his remarks in the RECORD and include a copy of the program of the first national meeting of the Advisory Committee of the United Nations Educational, Scientific, and Cultural Organization, to be held next week in Philadelphia, to which all Members of Congress are invited.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FOREIGN COMMITMENTS

Mr. MATHEWS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MATHEWS. Mr. Speaker, last night I determined to ask some of the people who are going to pay the bill what they thought of the President's plan of a global crusade against communism. Pointing to a headline in last night's paper, which I hold before me, which says, "Six hundred million dollars asked for aid to Korea," I asked the waitress who served me dinner what she thought about it, since we were already asked to give $400,000,000 to Greece and Turkey. She said, "I think they are taking us for suckers. I think that after we have spent the money the boys will be sent after it to die again."

Mr. Speaker, I intend to ask the people, the butcher, the baker, and the candlestick maker, if I can find one, to find their answers, and, with your permission and with the permission of the Members of the House, I am going to bring back to you 1-minute reports of their answers. They ought to be interesting.

"SORRY, IT'S A SECRET"

Mr. MEYER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MEYER. Mr. Speaker, I think it is high time someone told the State Department that they are no longer dealing with a rubber-stamp Congress. In the elections of last November 5, the American people voted an end to—among other things—the "era of the blank check."

Yesterday the Foreign Affairs Committee of the House voted out a bill proposing to grant $350,000,000 in food and other aid for devastated nations abroad. It has come to my attention that during the testimony on this bill, the so-called State Department experts refused to give the American people a break-down of where this money is going. In other words, it is the same old New Deal doctrine that the people are too dumb to understand.

I have tried to find out how much of this money is going to Poland, how much to Hungary, to Italy, how much to the other countries. The only answer I have been given, the only answer the American people have gotten from our State Department is "Sorry, it's a secret."

We have gotten into too much trouble already because of these secret deals. I am all in favor, Mr. Speaker, of feeding starving people, but what is so secret about it? It was not a secret when UNRRA did it.

I say, let the American taxpayers in on a few of these secrets. It is their money these free spenders are distributing; they are paying the bills.

GREETINGS FROM GEORGIA

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DAVIS of Georgia. Mr. Speaker, in Washington the calendar has decreed that spring begins today. In the Fifth District of Georgia, Mother Nature herself long ago issued that decree, and there the earth is beautiful with daffodils, blue hyacinths, yellow jasmine, and other fragrant and colorful flowers.

Yesterday the De Kalb County Chamber of Commerce sent a truckload of flowers to Washington in compliment to the Nation's lawmakers. They were gathered by Boy Scouts, Girl Scouts, and school children, women's clubs and civic clubs, and this morning 12 charming girls from the Fifth District have placed a bouquet in each Senator's office, and have left a quantity for the Representatives' cloak rooms and dining rooms. You are invited to take them with the compliments of De Kalb County, educational center, county of industry and agriculture, home of Stone Mountain, famous dogwood blossoms, and luscious Georgia peaches.

We expect to share with you here from time to time, and we offer to all our visitors, such examples of Nature's bounty as peaches in May, watermelons in August, apples in September, cane sirup in October, roses in December, and southern hospitality the year around.

PERMISSION TO ADDRESS THE HOUSE

Mr. CARSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

[Mr. CARSON addressed the House. His remarks appear in the Appendix.]

REDUCTION OF FEDERAL EXPENDITURES

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, may I say to my friend from Kansas, who cannot get the information he wants from the State Department, that I want to give him some information that we all get every day from the Treasury Department. I want to show you that on the 18th of March we were $258,934,078,366.21 in the red. Where will you get all that money? We have been in the red so long that this Treasury statement, instead of being published in black, ought to be published in red every day, and it should have been published that way for the last 15 years with the squandering and spending of the New Deal. But we are getting information now, and I think that with this Republican Congress we are going to do something about this red sheet. We will make it black or bust. We are going to cut down expenses in this country in a way that nobody ever dreamed of, unnecessary expenses, but if we cut down expenses here for things the American people want, you have to be mighty careful in what you do in spending and giving money to foreign countries. It is serious and critical. That is going to be a very ticklish thing, and you should think about it very sincerely before you vote.

We will cut down spending; we will cut down the debt; we will cut down on your taxes. However, a Government not good enough to support by taxation is not fit to exist. I am not talking of exorbitant taxes like the 14 new tax bills of the last 12 years. We must pay our bills and cut down on our national debt.

A people willing that its Government borrow and borrow and borrow just lacks common sense.

Be careful of your spending are the wisest words I can give you now. Open your eyes and economize.

LEAVE OF ABSENCE

Mr. HARTLEY. Mr. Speaker, I ask unanimous consent that leave of absence for 2 days, on account of official business, be granted to the gentleman from Minnesota [Mr. MACKINNON], the gentleman from Pennsylvania [Mr. KEARNS], and the gentleman from Texas [Mr. LUCAS].

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HARTLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

[Mr. HARTLEY addressed the House. His remarks appear in the Appendix.]

GOLD PURCHASING

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SMITH of Ohio. Mr. Speaker, in view of the responsibility of Congress to have before it the fullest information bearing upon the President's recent message to Congress and on the implication of H. R. 2616, it is desirable to know whether this country is pursuing consistent policies.

One of our policies, which is of direct help to the Union of Soviet Socialist Republics on economic lines, is the United States official policy of purchasing gold from every source at $35 an ounce.

Before the recent war this policy was suspended in the case of the Axis, because it was pursuing political and economic policies which the administration considered injurious to this country. The question now is: Are we similarly pursuing in the matter of gold buying a policy in conflict with that which the President has just recommended to the Congress? To obtain the administration's views on this important matter I have written the Secretary of the Treasury for information.

ALCOHOL RUBBER INDUSTRY

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CURTIS. Mr. Speaker, I would like to call attention to a bill that I am introducing today. Its purpose is to perpetuate our wartime-created alcohol rubber industry and thereby improve the defense of our country. In addition to that, I feel that this proposal can be made to be very beneficial to the farmers of America and can be made to fit in with a sound and constructive program for agriculture.

Mr. Speaker, my proposal is that a manufacturers' excise tax be placed upon all rubber, foreign and domestic, except such rubber as is manufactured or produced in the United States from butadiene, which is produced from grain alcohol.

If natural rubber is selling on the world market for about 15 cents per pound, it is impossible for an American manufacturer to buy high-priced corn, wheat, potatoes, and the countless other products of the farm, turn them into alcohol, and then into rubber, and end up by not having this synthetic rubber cost more than the natural rubber or more than rubber made from petroleum. Consequently, the only way that an alcohol rubber industry can be built up is by giving it certain protection.

At the present time, the plants that made alcohol and rubber during the war are still owned by the Government. I would like to create a situation favorable toward this industry so American businessmen would be induced to buy these plants and operate them. This will make a market for millions and millions of bushels and pounds of surplus crops as well as create a new industry in the United States that will provide employment for many.

I propose this tax advantage not to help any particular businessman or investor, but as part of an agricultural program and as a very essential factor in our defense.

The amount of the tax is something that Congress will have to work out. If, through the Commodity Credit Corporation or other Government agency, these alcohol plants can buy potatoes that might be dumped, soft corn, or other surpluses, at a nominal price, the tax can be effective and still not be very high. If, on the other hand, these plants are to buy ordinary farm products at the supported price, the tax must be higher.

I do feel that it offers a program that is worth trying.

EXTENSION OF REMARKS

Mr. ELLIS asked and was given permission to extend his remarks in the RECORD in two instances and include in each an editorial.

Mr. NODAR asked and was given permission to extend his remarks in the RECORD and include a speech delivered by the national commander of the Catholic War Veterans on communism.

Mr. BELL asked and was given permission to extend his remarks in the RECORD and include a clipping from the New York Times.

COPPER PRODUCTION

Mr. HARLESS of Arizona. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. HARLESS of Arizona. Mr. Speaker, I ask unanimous consent to speak for 1 minute and to revise and extend my remarks in the RECORD.

Mr. Speaker, we have been hearing a good deal lately about monopolies. The Federal Trade Commission has just released a report which accuses the large copper companies of this country of monopolizing the production of copper. I should like to point out that copper deposits, as is true with most ore bodies, vary in their size, richness, physical conformations, and hence in cost of operation. It happens, then, when the price of copper drops our small and margined high-cost mines are squeezed out of production not, it may be noted, by deliberate intent but due to the accidental economics of supply, demand, and price.

Before the last war only a handful of copper mines could operate due to low metal prices. During the war the premium price plan for copper, lead, and zinc created an economic atmosphere in which marginal mines could live and hundreds of them sprang up into operation. At present, high prices in combination with premiums are keeping these mines alive. The premium-price plan expires June 30, 1947. Prices eventually will fall—and they generally come down faster than they went up. It is inevitable that without the stabilizing influence of the plan, small and marginal mines gradually will be forced to close until only the few low-cost mines will again be left. The cry of monopoly will then be heard with renewed strength.

I should like to call to the attention of the House the established fact that the premium-price plan for copper, lead, and zinc is the best antimonopoly device we yet have seen as far as the mining industry goes. Under it small and marginal mines can thrive, produce metal for necessary industrial and war stock-pile needs and, with good fortune, perhaps grow into large mines.

For the afore-mentioned reasons I have long felt that the continuation of a premium plan in some form is essential. I introduced, early in the session, H. R. 1284 to establish a National Resources Division to administer such a plan. It has received a good deal of favorable comment.

Bills looking toward the same end have been introduced by Mr. ALLEN of Illinois; Mr. HILL, of Colorado; Mr. MEYER, of Kansas; and Mr. RUSSELL, of Nevada. I understand the bill, H. R. 2455, by my friend the gentleman from Nevada [Mr. RUSSELL] may be favorably reported from Public Lands. I sincerely hope so. The mining industry wants and needs this legislation. I intend to support H. R. 2455 vigorously and I trust it will have the favorable consideration of the Members when it comes to the floor for a vote.

EXTENSION OF REMARKS

Mr. BUCHANAN asked and was given permission to extend his remarks in the RECORD in two instances, in one to include an article from this morning's Washington Post, and in the other the recommendations of the National Committee on Housing concerning veterans' housing.

NATURAL GAS

Mr. WALTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, a moment ago the gentleman from Ohio [Mr. CARSON] called the attention of the House to the introduction of several bills having to do with the study of our gas supply and the use of natural gas. I sincerely trust the fact that the appropriate committee is entering into a study of this important subject will serve as notice to the Federal Power Commission to go slow in the granting of any license to any company acquiring the Big or Little Inch pipe lines. The use of these lines for distribution of gas to the Atlantic seaboard will destroy one of the basic industries of America, and it seems to me that before any license is issued the committe should make a very thorough study of the entire subject.

EXTENSION OF REMARKS

Mr. BOYKIN asked and was given permission to extend his remarks in the RECORD in two instances and include an article from the Montgomery Advertiser.

Mr. LANE asked and was given permission to extend his remarks in the RECORD in two instances; in one to include an article from the Christian Science Monitor and in the other to include an editorial from the Telegram News of Lynn, Mass.

TRAIN MEN TO WIN THE PEACE

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, as Americans, we have been capable of superhuman efforts in the waging of war. But when it comes to peace, we have gone to the other extreme. Things will take care of themselves, we say, and follow a policy of drift which inevitably leads to another war.

Our people have sensed the fact that the American diplomatic service is not represented by men of the highest professional skill. They have the fatalistic feeling that the victories which our fighting men have won will be lost by our amateur diplomats.

Foreigners resent American representatives who are forever bragging about our Nation's accomplishments and who show no respect for the lands in which they are guests. It is this failure to try and understand the other nation's viewpoints which has caused us to make so many diplomatic blunders in the past.

We need to establish a United States Foreign Service Academy which will educate men for the highest task of all: That of preserving the peace.

In this atomic age, we cannot play at diplomacy. We have got to have the best of trained men to represent us abroad.

To accomplish this, I believe that we should pass this bill to establish in or near the District of Columbia a United States Foreign Service Academy.

Under the direction of the State Department, it shall train carefully selected applicants in the history, culture, customs, folklore, and languages of the nations in which the diplomatic cadets may elect to serve, and provide for field studies in such nations.

Upon satisfactory completion of the course, the cadets shall be granted the degree of bachelor of arts and shall be given preference in the appointment of permanent officers in the Foreign Service of the United States.

This is the logical way to properly train career men for these posts of high responsibility.

EXTENSION OF REMARKS

Mr. DURHAM asked and was given permission to extend his remarks in the RECORD and include an article from the Army and Navy Journal.

Mr. FORAND asked and was given permission to extend his remarks in the RECORD and include a resolution adopted by the Rhode Island General Assembly in support of President Truman's position regarding conditions in Greece.

Mr. LEFEVRE asked and was given permission to extend his remarks in the RECORD and include an article by Mark Sullivan.

ON-THE-JOB-TRAINING PROGRAM

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I received the following letter from Lowell, Mass.:

LOWELL, MASS., *March 13, 1947.*

The Honorable MRS. ROGERS.

DEAR MADAM: What became of the legislation proposed to correct the inequalities in the GI bill of rights pertaining to the on-the-job-training program. There was a good deal of talk about raising the monthly limit of $200 and even increasing the monthly allowance.

I hope something is done about it in the near future; if not, I am afraid I and a few more like me will be forced to give up our training program for lack of a living wage.

Thanking you for past considerations, I remain,

——— ———.

Mr. Speaker, I think there was a great misunderstanding in the House and throughout the country generally when the Committee on Veterans' Affairs raised the ceilings for on-the-job training. The public, and I believe many of the Members, feel that the Government will pay more subsistence allowance under H. R. 246, which was reported unanimously from our committee and is now upon the calendars of the House. That is not the case. No matter what the ceiling is, the Government would not increase the amount under this bill, but would pay no more than the subsistence allowance of $65 for a single veteran and $90 for a married veteran, as is being done at the present time.

In the first GI bill, enacted in 1944, there were no ceilings on wages. However, later amendments to the law permitted a veteran to earn only $110 above the amount paid him in subsistence allowance. Thousands of veterans could not qualify for the allowance under these restrictions, and were dropped from the payment rolls of the Veterans' Administration. Now, in raising the ceilings you are but giving back to these veterans a part of what you took away from them by legislative action last year, and which passed the House under a great misunderstanding.

AMENDING THE NATIONAL ARCHIVES ACT

Mr. REES. Mr. Speaker, I ask unanimous consent to file a supplementary report on the bill H. R. 1350.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

LEAVE OF ABSENCE

Mr. McDONOUGH. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from California [Mr. JACKSON] be granted leave of absence for today, Monday, and Tuesday, on account of official business.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF REMARKS

Mr. KEATING asked and was given permission to extend his remarks in the RECORD in two instances, in one to include a portion of a press release by Gov. Thomas E. Dewey, and in the other a telegram from the Ukrainian American Relief Committee.

Mr. MERROW asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. CRAWFORD asked and was granted permission to extend his remarks in the RECORD and include a statement which carries a few quotations which he is sending to people in his district.

Mr. O'HARA asked and was granted permission to extend his remarks in the Appendix of the RECORD and include an editorial.

ADJOURNMENT OVER AND LEGISLATIVE PROGRAM FOR NEXT WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next at 12 o'clock noon.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. HALLECK]?

Mr. RAYBURN. Mr. Speaker, reserving the right to object, and, of course, I shall not, but we are interested to know just as much of the program for next week as the gentleman can announce at this time.

Mr. HALLECK. Mr. Speaker, my information is that the Committee on Appropriations expects to report the appropriation bill on Labor and Federal Security in time for its consideration on Monday next. If it is so reported, general debate on the bill will be held on Monday and the bill will be read on Tuesday. If the consideration of that bill is completed sufficiently early on Tuesday, we propose to call up House Resolution 151, which is a resolution from the Rules Committee to reestablish the committee to investigate all matters pertaining to the replacement and conservation of wildlife.

On Wednesday and Thursday we hope to have ready for consideration the tax bill, as I announced yesterday. It is our plan to conclude debate on the bill on Thursday and vote on the bill Thursday evening.

Friday is undetermined. Unless something should develop that would require attention on that date, we might adjourn from Thursday until the following Monday.

Mr. RAYBURN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. HALLECK]?

There was no objection.

GOVERNMENT DEBT AND INCOME

Mr. MONRONEY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MONRONEY. Mr. Speaker, I was very much interested in the remarks of the gentleman from Pennsylvania who read us figures on the record-breaking war debt that the United States Government must carry.

I only hope the gentleman is concerned with both sides of the fiscal program, namely, the income of the Government as well as the outgo. It is amazing to me that in the proposed Knutson tax reduction plan that is coming before us next week reducing income taxes of the very rich by 20 percent, the only way the majority members of the Ways and Means Committee could find to justify that bill—or perhaps deodorize it—was to cut another $350,000,000 out of the Government's revenue. This 350 million is a "tip" given to the lower-income groups to give the Knutson plan a sugar-coating.

If that is the majority party's idea of sound fiscal responsibility, to ignore the necessary income of the Government at a time when we have an all-time high war debt, exceeding any debt that has ever been carried by any government on the face of this globe, then I do not know the meaning of financial responsibility. I believe this Nation wants debt reduction before tax reduction is considered.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, the gentleman from Oklahoma [Mr. MONRONEY], who just addressed the House, makes me think of a squalling, bawling, suckling calf being separated from its mother. You take these New Dealers away from the public pay roll, get their feet and heads out of the trough where they have been feeding for the last 15 years at the taxpayers' expense, and hear them squall. The only philosophy they know is that of spending—borrowing money, because, as they say, "we owe it to ourselves"—then tax and spend more and more with the hope that they may be reelected. That is their philosophy. If we are foolish enough to go along with that theory and let them keep on spending down at the other end of the Avenue so they can stay in office, then certainly we are dumb. I do not fall for that one. If we cut off these expenses, the budget will balance itself and the spenders may soon be out.

The SPEAKER. The time of the gentleman from Michigan [Mr. HOFFMAN] has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—WORLD HEALTH ORGANIZATION (H. DOC. NO. 177)

The SPEAKER laid before the House the following message from the President of the United States which was read by the Clerk and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed:

To the Congress of the United States:

I am transmitting herewith for your consideration a suggested joint resolution providing for United States membership and participation in the World Health Organization. I also am enclosing a memorandum from the Secretary of State with reference to United States membership in the World Health Organization.

I have been impressed by the spirit of international good will and community of purpose which have characterized the development of the constitution of this Organization. I am sure that it will make a substantial contribution to the improvement of world health conditions through the years.

In view of the significance and urgency of international health problems, I consider it important that the United States join the World Health Organization as soon as possible. Therefore, I hope that the suggested joint resolution may have the early consideration of Congress.

HARRY S. TRUMAN.

THE WHITE HOUSE, *March 21, 1947.*

[Enclosures: 1. Joint resolution; 2. Memorandum from Secretary of State.]

TERM OF OFFICE OF THE PRESIDENT OF THE UNITED STATES

Mr. MICHENER. Mr. Speaker, I ask the Speaker to lay before the House for immediate consideration House Joint Resolution 27, a joint resolution proposing an amendment to the Constitution of the United States relating to the terms of office of the President, with Senate amendments.

The SPEAKER. The Clerk will report the title of the joint resolution and the Senate amendments.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments, as follows:

Page 1, line 9, strike out all after "SECTION 1." over to and including "term." in line 4, page 2, and insert "No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than 2 years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term."

Mr. MICHENER. Mr. Speaker, this bill with the Senate amendment was returned to the House on March 13. It was taken informally before the full Committee on the Judiciary, and I am instructed by that committee to call the resolution up at this time for the purpose of agreeing to the Senate amendment. I have followed precedent and cleared through the majority leader and the minority leader.

I therefore move that the House concur in the Senate amendment.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. MICHENER moves that the House concur in the Senate amendment.

The SPEAKER. The gentleman from Michigan is recognized for 1 hour.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield me 5 minutes after he has completed his statement?

Mr. MICHENER. Yes; if the gentleman desires to be heard.

Mr. McCORMACK. I thank the gentleman.

Mr. MICHENER. Mr. Speaker, this matter was thoroughly discussed in the House when House Joint Resolution 27 was before us for consideration. Adequate study was given by the Senate committee to the House bill and, with amendments, it was reported to the floor of the Senate where extensive debate was indulged in. After that debate the Senate amendment, now contained in the bill, was adopted.

What the Senate amendment does is best explained by reading the amendment:

No person shall be elected to the office of President more than twice.

That is clear, two terms of 4 years each.

And no person who has held the office of President or acted as President for more than 2 years of a term to which some other person was elected President shall be elected to the office of President more than once.

That is the material change. There is a change in language and a change in context. Under the Senate amendment it is possible for a President to serve two full terms, to be elected twice, regardless of any other service which he might have had as President, provided he shall only be elected once if he has served more than 2 years of another or a third term. The possibility therefore is that a President may conceivably, under this amendment, serve not to exceed 10 years.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. RANKIN. That would not apply to the present President, Mr. Truman, if he were reelected, would it?

Mr. MICHENER. No; I can answer that it does not apply to the present occupant of the White House, who is serving as President by virtue of having been elected as Vice President and the death of the President. It would in no way affect the present occupant of the office.

Mr. RANKIN. In other words, if President Truman were reelected in 1948 and again in 1952, he could serve out those terms.

Mr. MICHENER. The gentleman is correct.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from Pennsylvania.

Mr. WALTER. What the gentleman has stated is correct, but not insofar as the language he has just read is concerned. The following language is designed to meet the situation described by the gentleman from Mississippi.

Mr. MICHENER. As to the present incumbent of the office, yes.

Mr. WALTER. As to the present incumbent of the office.

Mr. MICHENER. The gentleman is quite correct. I intended to read all the language in the amendment. I may say that the gentleman from Pennsylvania [Mr. WALTER] is a very able member of the Judiciary Committee and, together with the committee, gave very close attention to this amendment since it was promulgated by the Senate.

Personally, I prefer—and I think most if not all members of the House Judiciary Committee prefer—the language adopted by the House. To me that language is more concise and understandable. There are no useless words. It is not pregnant with questions.

Mr. RANKIN. Mr. Speaker, will the gentleman yield further?

Mr. MICHENER. I yield.

Mr. RANKIN. As one Member who voted for the resolution when it passed the House, I wish to say to the gentleman from Michigan that I prefer the language of the Senate amendment.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. WALTER. Was not this language inserted in the Senate bill in order to avoid the possibility of anyone's pointing their finger at the present occupant of the White House?

Mr. MICHENER. That was the purpose, and it was stated in debate in the Senate that this was not an action in personam.

Mr. CAMP. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from Georgia.

Mr. CAMP. I think I misunderstood the gentleman's statement a moment ago. Is it not possible—not speaking of the present occupant of the office—for some President to serve 10 years?

Mr. MICHENER. Yes; I thought I so stated. I thank the gentleman.

Mr. CAMP. I think the gentleman said eight. I just wanted it corrected.

Mr. MICHENER. If I did, I was wrong; two whole terms and not to exceed two additional years or 10 years.

Mr. CAMP. That is right.

Mr. MICHENER. It would be conceivable that a President might serve 10 years. That could happen. I believe when we legislate, we should always think of the possibilities and not the probabilities. The probabilities are that this amendment of the Senate would provide two terms of 4 years each for any one man, with the possibility just alluded to. The important thing is a definite limitation of terms.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. I am sorry, I did not hear all of the gentleman's discussion and he may have answered this. As I understand, under the proposed amendment, as far as the present incumbent of the Presidency is concerned, he will be entitled to be a candidate to the Presidency two full terms.

Mr. MICHENER. Yes.

Mr. JENKINS of Ohio. It would not apply in the future to any other Vice President who succeeds to the presidency.

Mr. MICHENER. In the future, my understanding is that but two terms of 4 years each are contemplated. This language in the Senate amendment is rather complicated but it is the considered conclusion of the Senate.

Mr. JENKINS of Ohio. Let us see about that now. The gentleman says 10 years. Suppose a President and Vice President are elected for 4 years, and the President should die within 1 year. If that Vice President would come in and serve 3 years as President, then would he be entitled to two terms after that?

Mr. MICHENER. No.

Mr. JENKINS of Ohio. Then why is a special exception made to this one incumbent, and if so, how then in the future could anybody be elected for more than two terms?

Mr. MICHENER. The first part of the amendment says:

No person shall be elected to the office of President more than twice—

And—

No person who has held the office of President or acted as President for more than 2 years of the term to which some other person was elected President shall be elected to the office of the President more than once.

Mr. JENKINS of Ohio. That is very clear then. What that means is this: If a man ascends to the Presidency from the Vice Presidency, and if he served more than 2 years, then he cannot qualify to be a candidate twice for the Presidency.

Mr. MICHENER. No; he cannot qualify twice.

Mr. JENKINS of Ohio. Well, let us take my case. Suppose a man is elected President and another is elected Vice President, and the President dies within a month, and the Vice President succeeds him. Now, that Vice President cannot be elected but once, because he served more than 2 years in that term.

Mr. MICHENER. That is correct, and that is the way it is intended to be.

Mr. JENKINS of Ohio. Here is what the amendment means then. Any man who succeeds to the office after the President has served 2 years, in other words, succeeds so that he will serve less than 2 years, can be a candidate twice, but if he ascends to the Presidency within 2 years after he has been made Vice President he cannot be a candidate for the Presidency but once.

Mr. MICHENER. I said in the beginning that I considered this language more complicated than the House language. If the gentleman will read the debates on this matter in the Senate he will see that there was a difference of opinion. The gentleman's interpretation is correct. Of course, this limitation of one term would apply to any other person, like the Secretary of State, who executed the office of President more than 2 years after the beginning of anyone else's 4-year term.

If the Senate amendment to House Joint Resolution 27 is concurred in at this time, that ends the consideration of the resolution by the Congress. Two-thirds of the House and the Senate having voted in favor of the resolution, it then goes to the legislatures of the several States for ratification or rejection.

Usually legislation passing the House and the Senate contains some elements of compromise. That is natural because the 531 Members of the Congress do not always think exactly alike, especially when details are involved. So it is in the case before us. More than two-thirds of each House is agreed that the people should be permitted to vote on limiting the term which a President of the United States may serve. There is difference among those two-thirds as to the length of that term. There is difference as to the best language to be used in a constitutional amendment. Those differences have not been composed in precise accordance with the views of any individual in the Congress. There is some language I would like to change. I could select a term of limitation more agreeable to me than that contained in the resolution. However, this is the composite view of the people's representatives in Congress, and I hope that my motion will prevail, that this Senate amendment will be agreed to, and that the State legislatures will be advised at once and permitted to pass on this important question in their respective current sessions.

Here today, we are only giving the people back home the right to say what they want. Three-fourths of the States must join two-thirds of the Congress in an affirmative vote before the Constitution can be admended. I believe the States will act speedily.

Mr. Speaker, I now yield 5 minutes to the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. MCCORMACK. Mr. Speaker, the present legislative situation or legislative status of this proposed amendment to the Constitution is such that naturally there is no opposition, as far as I know, certainly not on my part, to the motion made by the gentleman from Michigan [Mr. MICHENER].

However, I want the RECORD to show that because there is no opposition at this legislative stage that does not mean that Members, like myself, vigorously oppose the passage of this legislation to amend the Constitution; and we hope that when it goes to the several legislatures that they will give profound consideration, as I am sure they will, to the serious implications involved if this amendment becomes a part of the organic law of our country.

During the debate when this resolution was before the House I said that putting this into the Constitution will tie the hands of future generations of Americans; that what we are doing today is not legislating for ourselves from a constitutional angle, but acting in a manner that will be binding upon future generations of Americans after we are dead and gone. Some time in the future, if our country is engaged in a war and our back is to the wall, and a future generation has a President whose second term is drawing to an end, this very amendment could produce a condition that might place future generations of Americans in a strait-jacket and seriously imperil the continued existence of our country.

I recognize that men have honest views both ways on this matter. I respect the views of those who are advocates of a two-term restriction, but I am very deeply concerned about the operation of this amendment if it becomes a part of the Constitution. The chances are that I will not be here and nobody in this body will be here when that occasion arises in the future, if it should. We will all have taken the journey by that time, in all probability. I hope no future generation of Americans will be faced with the problem, but we cannot eliminate the possibility that war will visit our country again in the future after we are dead and gone; and if it does, and if there is a good President in office leading our people at that time, and his second term is drawing to a close, this very amendment will have a serious and adverse effect upon the people of America and upon the very institutions of government in which we believe.

I emphasize this for whatever value it may have to the members of the several legislatures when this amendment comes before them on the question of ratification. This is a question they cannot escape. It is a question no thinking legislator in this Congress can just brush aside by saying we are referring it to the legislatures. When it gets to the members of the legislatures, they have their responsibility to pass upon the question. I passed upon it when the matter was in the House before and I am passing upon it now. I am very much disturbed about

the inflexibility of this amendment in binding Americans of tomorrow and preventing them from exercising a flexible judgment in meeting an emergency or an acute situation that may confront them after you and I are dead and gone.

Mr. THOMASON. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Texas.

Mr. THOMASON. We hear a lot of talk these days about World War III, which we all hope and pray will never happen. Is it not a fact that if that sad day should ever come and some great man is President of this country, regardless of his political faith, and we are right in the middle of a terrible war where probably the result is in doubt, and three-fourths of the American States have adopted this amendment, we would be thrown into the throes of a great political contest and under no conditions could that man be reelected? That is the truth, is it not? I contend you can always trust the people and I am against this conference report.

Mr. McCORMACK. Undoubtedly. It is because of my disturbed state of mind, not in opposition to the action taken now, although I do not favor it, that I wanted the record to show that there was a voice raised at this stage of the legislative proceedings pointing out the danger that lies in the ultimate ratification of this amendment by three-fourths of the legislatures of the Union.

Mr. MICHENER. Mr. Speaker, I am sure the gentleman from Massachusetts [Mr. McCORMACK] is very sincere and conscientious, as he always is, and he has made his usual good argument. He made this same argument when this resolution was considered by the House before it was voted on. The House passed this resolution by a vote of 285 for, and only 121 against. That resolution limited a President to not more than 8 years, or two terms, under any circumstances. There was a possibility that a Vice President might serve only one term of 4 years and a minor fraction of a second term.

The gentleman is quite right that all this resolution does is submit this question to the people, to the States, for their determination. The passage of this resolution is not binding until three-fourths of the States have affirmatively said that that is what they want. I have always felt that the people can be trusted when they are advised. The people back home know whether they want to limit the term of a President. They can and will vote intelligently, because the proposal has been debated for years.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. McCORMACK. I would like to make the observation at this time that the debate on this amendment in both bodies was of a very high character, and confining myself to commenting on the action in the House, the debate by Members on both sides of the aisle was on such a very high level I believe all of us can feel proud of it.

Mr. MICHENER. Yes; the manner of approach has been in the right spirit. I was especially impressed with what the gentleman said when he took the floor a moment ago and expressed his views, but made it clear to the House that the majority of the House and the other body having acted, he was not in opposition to the action contemplated by my motion.

Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, I am taking this time because I do not want the impression to go out that Members on our side of the House do not want the legislatures of the various States to ratify this amendment.

Remember, this amendment would not prevent President Truman from succeeding himself in 1948 and 1952.

The gentleman from Massachusetts [Mr. McCORMACK] talks about a contingency that may arise generations from now. My answer is that the Constitution can be amended at any time.

Talk about limitations on future generations—why, some of the greatest blessings we have ever enjoyed are found in the strict limitations placed in the Constitution by the founding fathers.

Talk about a condition arising in time of war? That has happened twice. During the War Between the States you had a Presidential election in 1864, right in the heat of the conflict.

They talk about a President passing away or leaving office in time of war. We had that happen in this war. Has it occurred to you that we changed Presidents before the war closed with either Germany or Japan?

Remember, it was Harry Truman who ordered the use of the atomic bomb that really ended the war with Japan.

Mr. Speaker, there is only one change I would like to see made. I am sorry the Senate did not provide that a man who had succeeded to the Presidency from the Vice Presidency would be eligible to two successive terms. But they did not see fit to do that, and we must vote for or against this amendment. However, they did so provide as to the present occupant of the White House.

In my opinion, the overwhelming majority of the legislatures of the various States will approve this amendment.

I call attention again to the fact that in 1861, when we knew we were going into a war and when our President of the Confederacy had already been selected, the Constitutional Convention of the Confederate States—which was composed of the best minds in the whole country—put a limitation of 6 years in their Constitution. No President, no matter how long the war might have lasted, could have served more than 6 years. Mr. Davis himself agreed to that limitation.

A great many Members wanted to put that limitation in this amendment. I thought it was best to limit it to two 4-year terms. But I do think the Senate acted wisely in providing that this limitation shall not prevent the present incumbent from succeeding himself in 1948 and in 1952; and also providing that any future President who has not served more than 2 years of a term to which he has succeeded may be a candidate for reelection at the two succeeding elections. I am sorry they did not leave it, as I said, so that a man who has succeeded to the Presidency would be eligible to two successive terms.

But, taking it all in all, I think this amendment should be adopted, and I believe it will be approved by an overwhelming majority of the legislatures of the various States.

As for this matter of putting the people of the future in a strait-jacket, it does not do that; because, as I said, they have a right to change the Constitution at any time.

Mr. FOLGER. Mr. Speaker, I was and am opposed to the bill to amend the Constitution so as to limit terms of President to two terms. I think the amendment made by the other body improves the original bill somewhat; this does not, however, change my attitude in opposition to the measure.

This subject was fully discussed by the framers of our Constitution, and in their combined judgment it was deemed unwise to limit the terms of a President to two. Situations and conditions can arise that would make it undesirable and contrary to the wishes of our people that such a limitation become a part of the organic law of the Nation. Recent occurrences confirm, in my mind, the danger of such a limitation. After all, it is a matter for the people and should remain so. One, to be elected one time or two times or three, must receive the nomination, and he must receive a majority of the votes of the people. To impress this two-term limitation or prohibition would deny the right or privilege of the people to have established their wishes and judgment that might be exercised in a case of emergency.

There is not even a fanciful danger that a third or fourth term will occur except under extreme circumstances. By the passage of this bill or resolution we do not escape our responsibility by saying that the matter is left to the States for their determination. The very passage of the bill or resolution is more than the granting of a privilege that the States vote on the question, but it is essentially an invitation to the States to do so. It would not be imagined that the Congress would adopt a resolution of this character unless it were the desire of Congress that it be accepted. What we do is to substantially place our approval upon this constitutional inhibition.

We, no doubt, will not again find it necessary to elect one to a third term or a fourth. What we propose to do is to deny to our posterity the privilege to protect themselves, if they will, from an apparent or certain hazard, which would occur through the removal of one the people desire to be President at a time that, in their opinion, might well result in a great danger to the Nation.

I just desire that any, in posterity, who may have occasion to wonder what my position is on this important subject may find it in the RECORD: That I am opposed to this legislation.

Mr. SPRINGER. Mr. Speaker, House Joint Resolution 27, which relates to the Presidential tenure in office, came before Subcommittee No. 4 of the Judiciary

Committee, of which I am the chairman, and we gave this matter very careful consideration, which resulted in the reporting of the resolution which was then considered by the full Judiciary Committee, reported favorably, and which was then presented to the House and passed by the House by a rather large majority over the required two-thirds vote. This measure then went to the other body, and certain amendments have been adopted written into this resolution. While I far prefer the measure which was adopted by the House, and I prefer the language which was contained therein to that which is now contained in the amendment adopted by the other body, but in order to finally determine this subject and to fix a definite policy relating to the tenure of the office of our President, I am willing to yield to the amendments. This policy, if finally adopted, will be very helpful to both the people and any person aspiring to become President of this great Nation, I am confident.

Mr. Speaker, all of the Members are aware that the import of the pending resolution is that it merely seeks the authority to submit this question to the various State legislatures, and if three-fourths of the States, by and through their State legislatures, approve this policy of fixing the tenure of the office of our Chief Executive, then this joint resolution will become effective. Otherwise, it will have no force and effect. All will note that the additional amendment is incorporated in this resolution, by amendment adopted in the other body, that the provisions of the pending joint resolution does not apply to the present incumbent of the office of President.

The mere authority being granted in this joint resolution for the people, by and through their State legislatures, to pass upon the provisions contained therein is certainly a sound and constructive policy. I, as one Member, desire that the people have the full right and power, through their State legislatures, to determine this policy. All those who oppose this joint resolution, when the final vote is taken, will be in effect saying that they do not desire that the people, through the recognized processes of submitting this important subject to their State legislatures, have any voice in determining this question. What we need in this country is a little closer contact with the people, and to permit the people to participate in the functions of government, and the policies of government. This is one instance wherein the people should have the opportunity of expressing their views upon the policy of fixing the tenure of the office of President. Many of our Presidents have expressed their views upon this subject. Their expressed opinions should be carefully considered. The debates in the Constitutional Convention, upon this very question, lend much support to the fair and reasonable limitation fixed by the pending joint resolution.

Mr. Speaker, it is my hope that the House will accept the amendments adopted in the Senate, thereby finally concluding this measure insofar as this legislative body is concerned. It is also my fervent hope that every State legislature will give this joint resolution very careful consideration, and, after consulting with the people generally, take such action thereon as is just and proper. The reasons mentioned today of fear for our future if this joint resolution is passed are, I am constrained to believe, groundless. In the last war, before it ended, we changed Presidents. In the Civil War, a kindred situation developed. It is unthinkable for us to believe that there are no craftsmen who are able to take the place of any man in any office or position. The people recognize that there are many—yes, many—who are able to assume the work of any person, in any position, at any time. I, therefore, hope this question may be concluded today by the acceptance of the amendments, and that this question may be submitted to the State legislatures for approval or rejection, as they may determine.

Mr. SABATH. Mr. Speaker, the splendid argument made by the gentleman from Massachusetts [Mr. McCORMACK] was most convincing and this legislation, I fear, may come to plague us if the legislatures of two-thirds of the States should approve, which I hope they will not. It has been stated that while favorable action has been taken by Congress it does not mean that the various State legislatures would follow the action of Congress. However, I venture to say that in many of the States it will be felt that in view that Congress has acted that the legislatures should not deny favorable action on the amendment. Personally I would have preferred that instead of leaving the matter to the legislatures that we would have provided for conventions so that the real viewpoint of the people of the respective States would control.

I cannot quite understand why the majority feel the need of changing the Constitution which has stood us so well for 160 years. It is my opinion that only an extraordinary man, one of great ability, and one who had the interest of the country at heart, could be urged to run and be reelected to a third and fourth Presidential term, as was President Franklin D. Roosevelt. It is certain that a weak man who did not enjoy the confidence of the people could not be reelected to a third or fourth term. Consequently, I voted against the original bill and shall vote against the adoption of the conference report.

Mr. MICHENER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The question was taken; and on a division (demanded by Mr. THOMASON) there were—ayes 81, noes 29.

Mr. FORAND. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Mr. FORAND. Mr. Speaker, I withdraw the point of order.

So (two-thirds having voted in favor thereof) the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that all Members who so desire may be permitted to extend their own remarks in the RECORD preceding the vote on the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DEPARTMENT OF LABOR AND THE FEDERAL SECURITY AGENCY APPROPRIATION BILL, 1948

Mr. KEEFE, from the Committee on Appropriations, reported the bill (H. R. 2700, Rept. No. 178) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1948, and for other purposes, which was read a first and second time, and, with the accompanying report, referred to the Committee of the Whole House on the State of the Union and ordered printed.

Mr. RAYBURN reserved all points of order on the bill.

CONTROL AND ERADICATION OF FOOT-AND-MOUTH DISEASE AND RINDERPEST

Mr. TABER. Mr. Speaker, I call up House Joint Resolution 154, making appropriations for expenses incident to the control and eradication of the foot-and-mouth disease and rinderpest, and ask unanimous consent that the same be considered in the House as in Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. TABER]?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for expenses necessary to enable the Secretary of Agriculture to control and eradicate foot-and-mouth disease and rinderpest as authorized by the act of February 28, 1947 (Public Law 8), and the act of May 29, 1884, as amended by the act of September 21, 1944 (21 U. S. C. 114a), fiscal year 1947, $9,000,000, to be available for the purposes of carrying out the provisions of said Public Law 8 until June 30, 1948.

Mr. TABER. Mr. Speaker, there is a foot-and-mouth disease outbreak amongst cattle in Mexico, and it is spreading very rapidly. The Mexican Government has agreed to put in about $9,350,000. We have been authorized to move into the picture by the Gillie bill, Public Law No. 8, which was passed a short time ago. The Department of Agriculture is ready to step in. At the present time Mexico has 25,000 troops keeping a quarantine on these cattle.

These foot-and-mouth disease outbreaks are very expensive and are very difficult to handle. Unless we move in rapidly, it is going to be disastrous to our entire livestock industry all over the North American Continent.

What bothers me about it is that the program of the Department of Agriculture is so slow. They propose only to

kill 2,000 animals a day, whereas I believe they should equip themselves to take care of 20,000 and get it cleaned up immediately before it spreads any farther.

I do not feel that the Appropriations Committee on the House of Representatives should take a chance on having any responsibility placed on their shoulders for failure to meet this situation.

Mr. THOMASON. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Texas.

Mr. THOMASON. Coming as I do from the Mexican border and being more or less familiar with the seriousness of the situation in Mexico, I would like to commend the distinguished chairman of the Committee on Appropriations for this prompt action. The situation is not only serious. It is very alarming. I think perhaps they are beginning to make some headway to get it under control. Time is of the essence, and I urge prompt and effective action to stamp out this dread disease.

Mr. TABER. The Department of Agriculture is moving too slow.

Mr. THOMASON. Yes; I agree with that. I hope this will be the means of speeding it up. I agree in what the gentleman said about the slowness of the program but I think that was largely because they have not had enough money to proceed with the full program.

Mr. TABER. They did not ask for the money until yesterday, and we are giving our approval today.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. CASE of South Dakota. I simply wish to make the point that the committee acted immediately after the Department brought the request for the funds and reported the bill out on the very next day.

Mr. THOMASON. We from the cattle country are very happy at the promptness with which the committee acted. I hope the Department of Agriculture will follow your fine example.

Mr. PHILLIPS of California. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. PHILLIPS of California. The legislative act requires 30-day reports from the Secretary of Agriculture. I am merely suggesting that the Members, especially the committee and those from the cattle areas, should interest themselves personally in those reports to see that action comes from the Secretary on this foot-and-mouth-disease problem.

Mr. TABER. Mr. Speaker, I yield such time as he may require to the gentleman from Indiana [Mr. GILLIE].

Mr. GILLIE. Mr. Speaker, House Joint Resolution 154 provides for an appropriation of $9,000,000 for use in carrying out the joint United States-Mexican program for exterminating foot-and-mouth disease in the Republic of Mexico through June 30, 1947.

Inasmuch as both the House and Senate unanimously approved American participation in this important program less than a month ago, there should be no opposition to the appropriation of this comparatively modest sum.

I am pleased to report that rapid progress in formulating an effective campaign against foot-and-mouth disease in Mexico has been made in recent weeks by officials of the two governments.

Meeting in Washington, officials representing Mexican agriculture and the United States Department of Agriculture have made a careful estimate of expenses incurred by the Mexican Government since the outbreak of foot-and-mouth disease in Mexico, and probable expenses through June 30, 1947, of both Governments in order to carry out an effective campaign.

It was my pleasure to meet with these officials last week and have them as my guests at the Capitol. Many of you met them at that time. They included the Honorable Oscar Flores, Mexican Under Secretary of Animal Industry; Ignacio de la Torre, representing the Ministry of Agriculture and Animal Industry of Mexico, and Adolfo Alarcon, Agricultural Attaché of the Mexican Embassy.

Representing the American Government in conference with these gentlemen were W. V. Lambert, Administrator of the Agricultural Research Administration; Dr. B. T. Simms, Chief of the Bureau of Animal Industry; and John A. Hopkins, of the Office of Foreign Agricultural Relations.

The following findings and recommendations resulted from these conferences:

Whereas Mexico is incurring expenses for services, personnel, equipment, and supplies which are estimated to amount to $7,600,000 up to June 30, and will be responsible for indemnities to be paid for slaughter of hogs, goats, and sheep, which will amount to a sum of approximately $1,750,000, making a total Mexican contribution of $9,350,000 for this period.

It is recommended: 1. That the United States contribution for this period should consist of expenses for equipment, supplies, personnel, and so forth, amounting to approximately $1,500,000, plus indemnities of $7,500,000 for cattle slaughtered, making a total of $9,000,000.

2. That any salvage recovered by Mexico from animals slaughtered during the campaign should be used in the joint campaign in addition to the services already rendered by Mexico, and, with regard to the continuation of the joint program for the eradication of foot-and-mouth disease in Mexico after July 1, 1947.

Whereas Mexico hopes to continue its expenditures at approximately the same rate as during the months April–June 1947, but foresees that it will not be able to increase this rate of expenditure,

It is further recommended: 1. That, if a fully effective program of eradication is to be carried on during the succeeding 12 months, the United States Government be prepared to increase its rate of expenditures, the amount of such increase to be dependent on the total expenditures necessary for the period from July 1, 1947, to June 30, 1948.

Mr. TABER. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. CANNON].

Mr. CANNON. Mr. Speaker, the two appalling features of this disease are first, its incurability, and second, the alarming rapidity with which it is disseminated.

The only remedy is extermination. All infected animals, or animals exposed to infection, must be slaughtered promptly and either incinerated or buried at least 7 feet deep and beyond all possibility of disinterment.

It spreads with such rapidity, carried by men, dogs, and birds, that if allowed to take its course, it would within a short time eliminate the livestock industry. It first appeared in Mexico in December and although quarantined and opposed by every resource of the Mexican Government, it is now distributed through 10 Mexican States and already has traveled a distance of 250 miles.

The disease is not restricted to cattle but affects all cloven-footen animals, including goats, deer, sheep, and hogs. Its impact upon the livestock of the country is as deadly as an outbreak of smallpox among primitive nomadic tribes in the last century, and unless controlled would eventually wipe out a large part of the animal life of North America.

Some scientists have advanced the idea that the possibility of the incidence of some such disease may explain the mysterious disappearance of prehistoric animals, such as the dinosaur, the largest animal of all time, which roamed through the length and breadth of North America in countless numbers during the Cretaceous period and then became extinct although there was no form of animal life on the globe at the time which could have brought about its extinction.

Although the Mexican Government has deployed an army of 25,000 men about the infected area and is making every effort to restrict and exterminate it, the problem is of such serious proportions, and the disease is advancing so rapidly toward our own borders that it is necessary for us to cooperate at once. Frankly, the $9,000,000 carried in the pending bill will not be sufficient to see us through. But it is all that can be utilized at this time and will carry on the work until further funds can be provided.

The report accompanying the resolution is somewhat misleading in that it may serve to give the impression that the Department of Agriculture has not moved with sufficient celerity and is not attacking the problem with sufficient emphasis.

Quite the contrary is true. The news of the outbreak, with the suggestion that the contagion might be the dreaded foot-and-mouth disease, reached the Department one afternoon. Early the next morning a plane was dispatched with American scientists to the scene of the outbreak. The telegram announcing that the diagnosis was unmistakable was received at the Department at 5 o'clock p. m. and at 5:30 o'clock telegrams were dispatched alerting all stations and closing the Mexican border to importations of susceptible animals and taking every other step warranted by the situation.

The delay intervening between that time and this was due to the necessity of the Mexican authorities completing their plans and securing authorization for negotiations. The representatives of the Mexican Government with final authority to act reached Washington Saturday and the American Department of Agriculture promptly concluded arrangements and forwarded a budget estimate through regular channels to the

House on Monday. In the meantime materials had been located, contracts prepared and every action taken that could be taken in advance of concordance with the Mexican Government and appropriation by the Congress.

I congratulate the Department and those in charge of this work for the aggressive and efficient way in which they have met the situation. It could not have been more ably or more expeditiously handled.

It has been suggested that the rate of slaughter of 2,000 head of cattle a day is too low and indicates either lack of appreciation of the situation or failure to meet it with all available resources. On the contrary, the processing and slaughter of 2,000 head per day is the limit of physical capacity—especially in the early days of the campaign. The process of acquisition, indemnification, and eradication, with all the attending difficulties of salvage of exposed but uninfected animals over so wide and broken a terrain presents obstacles insurmountable at a greater rate of speed, while the cooperation of owners, processors, and officials is being enlisted and a routine established.

As a matter of fact the Committee on Appropriations has acted only and solely on the advice and suggestion of the Department. The amount of the $9,000,000 appropriation itself was determined by the Department and not by the committee, which merely approved it.

But time is short and the committee is to be commended for the promptness with which it has cooperated. I trust the House will likewise cooperate with a unanimous vote on the resolution.

The SPEAKER. The question is on the resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. ROBSION asked and was given permission to extend his remarks in the RECORD and include therein a letter from Mr. Ernest T. Weir, president of the Weirton Steel Co., Pittsburgh, Pa.

DISTRIBUTION AND PRICING OF SUGAR

Mr. KUNKEL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Joint Resolution 146, to extend the powers and authorities under certain statutes with respect to the distribution and pricing of sugar, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Joint Resolution 146, relating to the distribution and pricing of sugar, with Mr. COLE of New York in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. WOLCOTT. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I think that the purposes of House Joint Resolution 146, which is before us for consideration, quite generally meet the approval of the House. The Committee on Banking and Currency held rather extensive hearings and debated it quite at length, and it was reported out of the committee unanimously with the reservation, as is usual, that the committee members might take any position they cared to on the floor with respect to amendments or the final disposition of the resolution.

The resolution, in substance, provides for the continuance of the sugar rationing and the pricing of sugar until October 31, 1947, with the provision that the Secretary of Agriculture is granted the authority to continue inventory controls between October 31, 1947 and March 31, 1948, when, under the provisions of the resolution, all controls over the rationing of sugar shall expire.

It will be recalled that the authority to ration sugar is contained in the Second War Powers Act which, unless it is extended by the Congress, expires on March 31, 1947, and the power to control prices of sugar is found in the Emergency Price Control and Stabilization Acts. That authority, unless the Congress moves to continue it, expires on June 30, 1947.

In this bill we seek to dispose of both of the questions of rationing and of pricing, and the controls in this resolution are set up separately and independently of any other powers and machinery provided for in the Second War Powers Act and the Emergency Price Control and Rationing Acts. It is contemplated that the Office of Price Administration shall be discontinued as such on or before June 30, 1947. The powers to ration sugar and control the price of sugar is continued under the provisions of this resolution under the jurisdiction and control of the Secretary of Agriculture. Provision is made for the transfer of appropriations and personnel, but the policy making will henceforth be in the Department of Agriculture.

Now, the need for the legislation is quite generally accepted and I think quite apparent. I think you get a great deal of detailed information from the report of the committee.

Mr. TALLE. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Iowa.

Mr. TALLE. An important correction should be made in the report on page 10. The reason for the correction is a typographical error. I should like to read the last sentence of the conclusion as it should appear in the report:

> It feels that with the increased sugar available during 1947, over 1946, for industrial users that the reasonable needs of new users and the reasonable relief of hardship cases including provision of sugar to prevent the wastage of milk—
>
> Not mill—
>
> and other food products, must be provided for by the Secretary of Agriculture.

It was the will of the committee that this direction should be given to the Secretary of Agriculture in order that the wastage of milk, which has already occurred and which would increase in the future, might be stopped.

The preservation of food is certainly very important. I call the attention of my colleagues to page 162 of the hearings, where Mr. Holman, Secretary of the National Cooperative Milk Producers Federation, summarized the situation and expressed his deep interest in this matter.

Said Mr. Holman:

> Large amounts of skim milk will go to waste or be lost for human consumption unless sugar is made available to process it. The Government agencies have indicated that they will not make the necessary sugar available unless they are compelled to do so by Congress.

The committee, therefore, agreed to make the intent of the resolution now before us clear by putting into the report the language which I have read in its correct form.

I shall not take any further time. I believe my very able and distinguished chairman will support me in what I have said.

Mr. WOLCOTT. The gentleman is absolutely correct. It is a typographical error, where the word "mill" appears in the line quoted by the gentleman from Iowa. It should be "milk."

I may say that the intent of the committee in that respect is further set forth in the language on page 12 of the report, which reads as follows:

> It is the intention of the committee that the Secretary of Agriculture, in carrying out this provision—
>
> As respects new users, users who did not have a base period, and hardship cases—
>
> shall make just and reasonable provision for meeting the need for sugar in hardship cases (including cases where sugar is needed to avoid wastage of milk or other food products) and for the needs of new sugar users, and the needs of those who have no base-period history. It is provided that the Secretary shall act without regard to other law, because it is believed that he should not be bound by the provisions of title II of the War Mobilization and Reconversion Act of 1944.

That was put in because of the Moberly against Anderson & Fleming case, with which you are all familiar.

Mr. ALLEN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Illinois.

Mr. ALLEN of Illinois. Getting back to the hardship cases, I know definitely that in the past the Department has discriminated against people where there is a change or transfer of ownership. I know of one case where there were two competitors. One of them sold his business to an individual, and that new individual was denied the same rights as his competitor because there was this transfer in ownership. I wonder if the gentleman would be so kind as to tell the House whether it is not the intent of this bill that there shall be no discrimination where there is a transfer in ownership, providing the person who purchases it continues the same line of business and the same use of sugar.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WOLCOTT. Mr. Chairman, I yield myself five additional minutes.

In answer to the gentleman I may say that there should be no question in re-

spect to those cases where the purchaser of the property is a veteran. It has always been customary for them to take care of the veterans in that particular.

Mr. ALLEN of Illinois. I mean irrespective of veterans. I am talking of someone who is not a veteran.

Mr. WOLCOTT. I have a letter here on that subject from Mr. Irvin L. Rice, Acting Deputy Commissioner for Sugar, Sugar Department, Office of Temporary Controls, and I shall include this as part of my remarks. It is as follows:

OFFICE OF TEMPORARY CONTROLS,
Washington, D. C.

The Honorable JESSE P. WOLCOTT,
Chairman, House Banking and Currency Committee, Washington, D. C.

DEAR MR. WOLCOTT: You have requested further information as to the right of a purchaser of a going sugar-using business to receive the sugar allotment of that business under the sugar-rationing programs in line with testimony given before your committee last week by Mr. George Dice. Since Mr. Dice is no longer with this office, I have undertaken to supply the information you request.

Section 18.3 of Third Revised Ration Order 3 is the section which governs the transfer of sugar bases and allotments when the transferor disposes of all or part of his sugar-using operations. A transfer to the purchaser of a proportionate part or all of the sugar base of the business will be made if both transferor and transferee notify the appropriate sugar branch office of the sale of the business, and if the transferee will continue to serve the same area, and the same class of customers, with the same class of products as were formerly produced by the transferor. These requirements are, of course, designed to permit the normal consumer of the products of the business the opportunity to continue to receive them.

The transferee need not continue to use the same premises and facilities for his operation as were formerly used by the transferor. From our standpoint all that is necessary to be transferred are the assets of the particular establishment which go to the make-up of that establishment as a going concern. These assets include, of course, the good will, lists of customers or routes, and things of a like nature which are essential to the continued operation of the business by the transferee.

I should like to point out that, in the case of veterans' sugar bases assigned under Revised General Ration Order 18, the rule is somewhat different. In such cases, the transfer of the sugar base is permissible within a year after the establishment has begun to operate only if the transferee is himself a qualified veteran or if he acquires the business by inheritance on the death of the veteran owner of the establishment. However, after the establishment has been in operation for more than a year it may be transferred to any person under the provisions of Third Revised Ration Order 3 mentioned above. The purpose of this 1-year limitation upon transferability of veterans' sugar bases is to prevent the fraudulent use of veterans by established users or otherwise ineligible persons as mere devices for obtaining sugar bases or additions to their established bases.

I trust this supplies the information you desire. If I can be of further assistance, do not hesitate to call upon me.

Sincerely yours,

IRVIN L. RICE,
Acting Deputy Commissioner for Sugar Department.

In accordance with this letter, the purchaser of the business is subrogated to all the rights of the person from whom the business was purchased had, if he carries on the same business. If he indulges in new practices, if he expands the business and goes into the manufacture or processing of new products, then he becomes a new user and would be considered under the other provisions of the law; but if he carries on the same business, producing the same article, he gets all the rights the person from whom he bought had.

Mr. ALLEN of Illinois. I thank the gentleman.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Illinois.

Mr. OWENS. I was listening very carefully but I still cannot understand clearly what the gentleman means by new users. I looked at the report and also the hearings, and I have not been able up to this time to inform myself clearly as to what is meant by new users.

Mr. WOLCOTT. It does not make very much difference. If they are not classified as new users, then they are probably being taken care of at the present time, and if they are classified as new users, whether by reason of expansion of existing business or by having just gone into business, then it is our intention that the Secretary of Agriculture shall make provision for such users consistent with the over-all program. But our intent very clearly is that the Secretary of Agriculture shall make available some sugar for new users. We have deplored the fact that there is a possibility under the practice which has heretofore been indulged in of freezing such an important segment of our economy as to put the Congress in the position where by legislation it not only condones but almost participates in violations of the spirit, at least, of the Sherman Antitrust Act. We wish to avoid this in the pending legislation.

Mr. OWENS. But I do not think the point is made clear enough with reference to those who have struggled through the years regarding sugar as to whether or not it is going to affect them. I agree with the gentleman but I do not believe it is made clear enough.

Mr. WOLCOTT. I think it might affect them somewhat. It will affect them this way. An existing business anticipates an expansion predicated upon an increase in availability of sugar which will give it an increase in its allotment. If we make provisions for new users, that must, of course, come out of any increases which the old users would otherwise get.

Mr. OWENS. I do not see how you can justify continuing the rationing of sugar in that way and permit new users who come into the market to get an increase in sugar.

Mr. WOLCOTT. Would you be against the rationing of sugar to new users?

Mr. OWENS. No, but all I am saying is that it is not explained sufficiently.

Mr. WOLCOTT. May I say that the only alternative would be to set aside a certain percentage of sugar to new users. It is difficult to determine what percentage should be granted to new users or left to the old users. You have to leave the administration of this law to someone. You cannot legislate common sense into the administration of any law. But if common sense is not used in the administration of a law, then, of course, the Congress is always here to check against it and to make provisions to correct any abuses. All of the extension bills for OPA which we have ever had before the Congress have been predicated upon faulty administration, at least, by the Office of Price Administration. It is hoped by transferring the administration of this law to the Secretary of Agriculture the whole economy will get somewhat more sympathetic consideration.

Mr. OWENS. I agree with the gentleman, but I still feel that it is giving dictatorial powers to one man without clearly defining them.

Mr. TALLE. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. TALLE. Supplementing what my chairman has said about transfers of titles to plants and whether a sugar quota passes with the title to the buyer, I may say that I interrogated Mr. Dice on that very matter, and the colloquy may be found on pages 112 and 113 of the printed hearings pertaining to the pending resolution.

Mr. WOLCOTT. May I go on and put these figures in the RECORD justifying this continuance and state very briefly what we may expect the picture to be this year.

I think the sugar situation is getting very, very much better. In 1945, we had available to the United States for all purposes 5,085,908 short tons. In 1946, we had available 5,479,529 short tons, and it is estimated in 1947 we shall have available 6,800,000 short tons. These figures are in terms of raw sugar values. That is quite an increase, and there is a possibility of our getting even more sugar if the Cuban sugar crop comes up to latest expectations. So, I think we can be assured that by the latter part of this year the supply is reasonably going to approach demands.

We are assured that there is going to be almost enough to give the American people on a per capita basis within 10 pounds per annum of normal consumption. The normal consumption by the people of the United States is about 103 pounds raw value. We are assured that this year the American people on a per capita basis will get about 93 pounds raw value. One pound of refined sugar equals 1.07 pounds raw value.

So we are approaching that period, if we use judgment, when it will be perfectly safe without injury to the housewife and without injury to the commercial or industrial user, to take controls off altogether.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. DONDERO. This bill keeps the Government controls until October 31 of this year. Are the people of the United States to understand that at that time Government controls will cease?

Mr. WOLCOTT. That is the recommendation of the committee, excepting that inventory controls may be continued until March 31, 1948.

Mr. DONDERO. Will the gentleman explain what he means by "inventory controls?"

Mr. WOLCOTT. I cannot. It would seem to me that something has to be done with it. I am so far protecting the committee bill. The committee in its judgment accepted that. I would have preferred to handle it otherwise. I am just a little fearful that unless we do something with that language, it will be assumed that we have continued the power of the Secretary of Agriculture to continue sugar rationing until March 31, because we do not say that only commercial inventories shall be continued. We say "inventories." Of course, that might include sugar which the housewives may have in the sugar bowls. I will later offer an amendment to clarify our intentions.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. WOLCOTT] has again expired.

Mr. WOLCOTT. Mr. Chairman, I yield myself one additional minute.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. HILL. Mr. Chairman, where an old-established firm, using a certain amount of sugar, buys another firm that is run down at the heel, and they wish to build up this company, not in its own city or even in its own State, and he comes down to Washington and asks assistance in getting a sugar allotment to take care of that business, is he going to receive the same kind of treatment after this bill is passed that he is receiving now from this group which you just got through saying we could not legislate any common sense in? I do not think they have any kind of sense—common or uncommon.

Mr. WOLCOTT. It is the hope of the committee that the administration of this law from this time on will be more sympathetic. But the answer to the problem is not to take off controls, because if you take off controls you would have the commercial bidding successfully in the open market, either with or without price control, for supplies with which to build up inventories. What I think we have to be very careful about here is that feature. I think we should generally have this in mind throughout these discussions, that what the committee has attempted to do and what the Congress should try to do is to prevent the creation of a situation where, by competition in the open market, the housewife will be prejudiced to the point where she will not be able to get any sugar.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. SPENCE. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this was a unanimous report of the committee. That does not mean there were not some sharp differences of opinion as to what the bill should contain. Controls were the result of the war. I have heard some gentlemen speak of the controls as totalitarian, and they seem to draw no distinction between controls which a dictator places upon his people to enslave them and controls which a freely elected Congress places upon those who freely elected them, for their own good.

Controls during the great emergency of the war were absolutely essential to preserve the economy of our Nation. The taking off of those controls is liable to produce an issue as explosive as putting them on. This is no time to make controls a whipping boy, because if you do the result may be disastrous to those who take that action.

Nobody wants controls. I think all reasonable people want free enterprise and the competitive system. I would like to go back tomorrow to the conditions that prevailed long before that great emergency which the Democratic Party inherited years ago, and long before the war; but conditions make it imperative that we continue these controls. You all know the hazards of agriculture. Nobody can tell what the sugar crop will be this year. There was a wide diversity of opinion before the committee as to what sugar would be produced this year. There is a shortage of sugar. Sugar is the most generally demanded product in the world. There is a world demand. The alternative that presented itself to the committee under this bill was whether rationing would cease on the 31st day of March and price control would cease on the 30th of June. If no legislation is enacted, all controls would go off on the 30th of June of this year.

The bill as originally introduced provided that price control should cease on October 31, but the Secretary of Agriculture afterwards felt it was necessary and in the public interest to continue those controls until the 31st of March of next year. I thought that was a wise provision, for when controls go off under this bill Congress will not be in session. The controls will cease on the 31st of October.

I do not believe either the consumer or the producer wants a disorganized market. I do not believe either would profit by a runaway price of sugar. The producer, of course, might benefit for a short time, but in the long run it would be disastrous to both the producer and the consumer. I think there ought to be discretion somewhere when the date arrives on which these controls are removed to say whether or not it is advisble to remove them on that date. I am for the bill, of course, as compared with the present legislation. I believe the Secretary of Agriculture is the proper person in whom to lodge this discretion.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield.

Mr. JENKINS of Ohio. As I understand, then, the bill does two things: First, it does away with OPA control over sugar.

Mr. SPENCE. Yes.

Mr. JENKINS of Ohio. And it reposes all controls in the Secretary of Agriculture until the 31st of October.

Mr. SPENCE. And transfers to the Secretary of Agriculture all existing machinery and available funds.

Mr. JENKINS of Ohio. Until the 31st of October.

Mr. SPENCE. Until the 31st of October.

Mr. JENKINS of Ohio. Is there any other provision of law under which the Secretary of Agriculture would have control after the 31st of October?

Mr. SPENCE. None that I know of.

Mr. JENKINS of Ohio. No rationing, no price control?

Mr. SPENCE. None that I know of except the control of inventories until the 31st of March. What inventory control means and how far that goes I do not know. I do not think it means ordinary price control or rationing.

Mr. JENKINS of Ohio. It would probably operate something like a floor-tax control. Anyhow, he has that discretion after the 31st of October?

Mr. SPENCE. Yes; after the 31st of October, but the control over rationing and price ceases abruptly.

Mr. JENKINS of Ohio. Would the gentleman construe inventory control to go so far as to inventory the sugar in the hands of the consumer, for instance, the housewife?

Mr. SPENCE. No; I do not think so.

Mr. JENKINS of Ohio. Would it go so far as to require inventory controls of sugar in the hands of little independent grocers or some small retailer?

Mr. SPENCE. I have no definition of inventory control, but I think it would be probably applied to large holders of sugar. I do not believe the Government will go into every kitchen to see what the housewife has on her shelves. I do not believe there is anything like that in contemplation.

Mr. JENKINS of Ohio. Would the gentleman construe it to mean that it covers the large industrial users of sugar and the wholesalers?

Mr. SPENCE. It seems to me it will be limited. I cannot believe the Secretary of Agriculture would want to go into the kitchen of the housewife to see how much she has on hand.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield further?

Mr. SPENCE. Certainly.

Mr. JENKINS of Ohio. See if this expresses it correctly: As I understand sugar was the first commodity put under the control of OPA and it is the last one to be taken out from under control, and with the coming of October 31 all rationing of all commodities will go?

Mr. SPENCE. Yes. It was placed under control of OPA because of necessity and because of the shortage of supply. It is still controlled because of shortage of supply. The only hope is that the supply will equal the demand, for if it does not we will see a spiral rise in the price of sugar that will cost the housewife millions and millions of dollars.

Mr. BONNER. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield.

Mr. BONNER. What is the purpose of inventory control if rationing and price controls go off? What is the advantage of it?

Mr. SPENCE. I suppose inventory control after rationing and price controls are removed would tend to prevent hoarding. Some people might hoard sugar for the purpose of selling it afterwards at a profit.

Mr. BONNER. Suppose that takes place. Then what can the Secretary of Agriculture do about it under this bill?

Mr. SPENCE. I do not know what he is going to do about it.

Mr. BONNER. That is why I am asking the question, What is the advantage of this inventory control?

Mr. SPENCE. It will tend to prevent hoarding of sugar.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. SPENCE. Mr. Chairman, I yield myself 2 additional minutes.

Mr. EDWIN ARTHUR HALL. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from New York.

Mr. EDWIN ARTHUR HALL. I would like to ask the gentleman if this bill outlines any specific policy and directs the Secretary of Agriculture to do any specific thing as far as limiting the amount of rationing is concerned?

Mr. SPENCE. No; that is left to the discretion of the Secretary of Agriculture under general powers. He has additional power that he did not have before to render decisions in hardship cases, which I think is a very wise plan.

Mr. EDWIN ARTHUR HALL. Is it the opinion of the gentleman that the passage of this bill will keep the housewife in enough sugar, that is, as far as the policy goes, to continue her through October 31?

Mr. SPENCE. There will be no change in the administration until that time except that it is transferred to the Secretary of Agriculture.

Mr. EDWIN ARTHUR HALL. The point I am trying to make is this: As I understand, the passage of this bill is to avoid chaos and confusion in the whole sugar picture.

Mr. SPENCE. The same methods will be pursued, I presume, that have been pursued heretofore.

Mr. EDWIN ARTHUR HALL. The gentleman feels that it is necessary now?

Mr. SPENCE. I do. I feel the bill is necessary, and between the two alternatives that present themselves, I am certainly for the bill.

Mr. MORRIS. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Oklahoma.

Mr. MORRIS. I do not ask this question to be critical at all, but purely for information. Why is it that inventory control is so hard to explain, and why is it in the bill if no one seems to know just what it means? I would like to have a little enlightenment on it. I am not critical in asking the question.

Mr. SPENCE. I cannot give the gentleman a definite answer on inventory control. I presume it means that it is not spelled out in the bill. I presume it means that the Secretary would have control of the inventories of large users, to prevent hoarding of sugar, which they would naturally do, and I certainly do not think it is the import of the bill to give control to those engaged in the industries in which sugar is used.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. SPENCE. Mr. Chairman, I yield 17 minutes to the gentleman from Georgia [Mr. BROWN].

Mr. BROWN of Georgia. Mr. Chairman, I am satisfied that everybody in the Chamber desires to get back to free enterprise as soon as possible. We do not want any further regimentation unless it is absolutely necessary. We do not want any further controls on food or anything else unless it is necessary.

I know very little about sugar, but I was present and I heard all the witnesses who testified before the committee. I think what the people of America want is more sugar, but I am satisfied that if they knew they were not going to get more sugar, they would not want to pay a higher price for the sugar that they are getting and will receive. I am convinced that if you decontrol sugar at this particular time, the allocation will not be greater, and the price will jump sky high.

Now, here is what the witnesses testified to before us. I would like to say at this point that this bill extends price and ration control only until October 31 of this year, and inventory control until March 31 of next year, and provides that such controls shall be transferred to the Secretary of Agriculture. Now, what we mean by inventory control is those engaged in selling sugar. We do not want those engaged in selling sugar to withhold it from the consumers.

Mr. DOMENGEAUX. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Georgia. I yield to the gentleman from Louisiana.

Mr. DOMENGEAUX. Would the gentleman have any objection to an amendment on page 6 where inventory control is mentioned, but it makes no distinction as to whether that shall be commercial or industrial control? This could mean housewives' inventory, also.

Mr. BROWN of Georgia. I do not have any objection to that, and the amendment should prevail. I brought out from witnesses myself that of this increased amount produced this year housewives will get a larger percentage than industrial users. I think the gentleman was there and heard some of the witnesses. I think the housewives should have more. I am in favor of giving the housewives, the people at home, a larger amount than industrial users.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Georgia. I yield to the gentleman from Michigan.

Mr. DONDERO. Can the gentleman give the House any explanation as to the meaning of the language in lines 17 and 18 on page 6 of the resolution?

Mr. BROWN of Georgia. What does it say?

Mr. DONDERO. It refers to the inventory which may be continued until March 31, 1948.

Mr. BROWN of Georgia. This means the inventory of the amount of sugar a dealer has on hand to sell and does not refer to the consumer. That is my interpretation. The fellow that sells the sugar does not have the right to hold it. He should not obtain a whole lot of sugar and then refuse to sell it to the consumers. A lot of people would do that with the idea that the sugar price would be increased when the controls were taken away, and it would not be distributed properly.

Mr. DONDERO. Did anybody appear before the gentleman's committee and make an explanation as to just what that did mean, if it was different from what the gentleman has just stated? The gentleman is the first one to explain it.

Mr. BROWN of Georgia. I think everybody understood it that way. There was no necessity for explaining it.

A number of witnesses, representing consumers, producers, refiners, processors, wholesalers, retailers, and all classes engaged in the sugar industry, testified before the committee. Practically all of the witnesses stated it would not do to remove restrictions at this time, either on rationing of sugar or ceiling prices for sugar, for the reason that to do so would not bring any more production at this time but certainly would increase the price of sugar and would cause an uneven distribution of sugar in this country.

The testimony of the witnesses showed that production will be about 13 percent more this year than last year, and that another similar increase by next year would bring enough sugar to satisfy the needs for family use and industrial use.

All witnesses wanted continued restrictions on sugar no longer than necessary. Many of them stated that the law should be extended to at least October 31 of this year, as all of the crop will have been planted and much of it harvested by that time, and many others stated that authority for the controls should be extended to March 31, 1948.

The evidence shows that the needs of the United States for this year will be something over 8,000,000 short tons and that the sugar we will produce in the United States this year and our share of the sugar we have contracted for in other countries, including Cuba, will amount to something like 6,800,000 short tons. This estimate is based on acreage planted and to be planted. Therefore we will have a shortage this year of over 1,000,000 tons. It is expected that 6,800,000 tons will provide a per capita consumption for the year of about 87 pounds of refined sugar or 93 pounds raw value, as compared with the prewar per capita consumption of about 96 pounds of refined sugar or 103 pounds of raw value. We find ourselves facing an estimated shortage of more than a million tons of sugar, and there is no possible place in the world from which we can obtain more at any price. So we are forced to the conclusion, so far as this crop is concerned, that we will not get any more sugar for the housewives if controls are taken off, but probably the users of sugar would have to pay many times more than the present price.

I think every member of the Committee and of Congress would like to take controls off sugar at this time if we thought we would get more sugar, even at some reasonable increase in the price, but from the evidence produced to us, this is not the case, but the evidence is encouraging from the standpoint that we will have enough sugar produced to meet the needs for next year.

We all remember 1920 following World War I when the price of sugar went to 27 cents and more per pound. To take controls off at this time, might cause sugar to go this high again, with prospect of not getting any more sugar to satisfy the needs of our people. The evidence shows that uneven distribution and confusion would result and the probability is that housewives and small users would find that they had considerably less sugar than under a rationing system, and this is one reason there is such unanimity of opinion of all those in the sugar industry, including growers, processors, refiners, and trade associations representing such groups as ice cream, evaporated milk, confectioners, bottling, and many other manufacturers.

It is my understanding that a larger percent of increased production for this year was or will be given to housewives over industrial users, which is fair and right. Everyone knows that when sugar is in short supply and without allocation and equal distribution, the first to suffer will be the housewives and then the small industrial users. Many small users have no warehouse facilities for storing sugar nor the funds with which to buy large stocks like large industrial users, and as long as sugar is in short supply the people who would profit would be the speculators and the large users. The small users and the housewives cannot compete with the large users in this short field of supply.

People must understand that we produce in continental United States less than one-third enough sugar to supply our needs. Therefore we have to contract with producers outside of this country to obtain most of our sugar.

We contracted for the entire Cuban sugar crop, of which 3,150,000 short tons will come to the United States. It is thought that Cuba will produce around 5,500,000 short tons. We sent last year 400,000 tons to Europe and other foreign countries. It is estimated we will send less than that this year. This sugar shipped from the United States to foreign countries did not come out of our domestic supplies, but represents sugar that was brought from Cuba to this country for refining and subsequent shipment rather than being shipped direct from Cuba to the foreign countries.

The United States has been purchasing the entire quantity of Cuban sugar during the past few years, with the exception of the relatively small quantity reserved for local consumption in Cuba and for shipment to other American countries. The United States purchase, through the Commodity Credit Corporation, is made in behalf of all the countries which normally purchase some sugar in Cuba. This arrangement, whereby the United States is the sole purchaser, prevents the chaotic condition which would result if all the countries went into Cuba and bid against each other for the available supplies of sugar. This purchasing arrangement naturally leaves the United States with an obligation to share the sugar with the other countries in whose behalf we have purchased a part of it.

Under such arrangement, we will receive two-thirds of the sugar exported from Cuba this year and foreign countries will receive one-third. This represents our normal share of Cuban sugar. Also we get all the sugar that is produced in other countries, Puerto Rico and Hawaii, except what is needed for home consumption.

Since the Commodity Credit Corporation has purchased the entire Cuban sugar crop, the foreign countries receive their share of the Cuban sugar by accepting assignments of the CCC contract for their share of the sugar. This permits the foreign countries to make settlement directly with Cuba for the sugar they receive. In other words, we do not guarantee anything. We just assign them a part of the contract, and then they pay direct to Cuba and we are not involved in that. The Commodity Credit Corporation therefore assumes no financial risks on the sugar that is shipped to foreign countries.

Out of the 5,500,000 short tons produced in Cuba, 750,000 short tons is reserved for home consmption and for sale to other Latin-American countries.

Mr. Chairman, when we all understand the sugar situation I think we will be forced to one conclusion, that unless we extend for a short while the rationing and controls, we will not get any more sugar, and we all know we will have to pay a much higher price for the sugar that we do consume.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. BROWN] has expired.

Mr. WOLCOTT. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. SMITH].

Mr. SMITH of Ohio. Mr. Chairman, House Joint Resolution 146, to extend the powers and authority under certain statutes with respect to the distribution and pricing of sugar, and for other purposes, has at least two serious flaws in it if the purpose of the resolution is to get rid of political control over sugar. The resolution provides for continuing price control and rationing of sugar until October 31, 1947. Then it qualifies this provision by providing that authority to continue inventory controls of sugar may be exercised until March 31, 1948. I think inventory control can become just as objectionable as rationing. If my memory serves me correctly, Administration witnesses testified against inventory control ostensibly on the ground that it would be difficult to operate. My objection to it is that it not only would be difficult to operate but impossible to operate equitably. I also object to it because it leaves the control boys with a string to the whole program of price ceilings on and rationing of sugar.

If it is really the intention of Congress to end political interference with sugar on that date, the bill should provide for ending price control and rationing of sugar on October 31, 1947—period.

But there is a far more serious flaw involved in this bill than inventory control. I refer to the power exercised by the International Emergency Food Council to pool the world's sugar supply and to ration out of that pool the United States share of sugar. The point is that even if the joint resolution before us does everything its face would indicate, we would still have rationing of sugar.

Mr. BUFFETT. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Ohio. I yield.

Mr. BUFFETT. Has the gentleman been able to find any place in the statute books where the Congress of the United States has authorized an international board to determine how much sugar the American people should have?

Mr. SMITH of Ohio. I am quite sure that the Congress never gave such authority. I am coming to that point in just a moment.

Mr. BUFFETT. One other question. When our committee met on this problem and as the Congress meets now, we are operating sort of like a coroner's jury—holding an inquest over how the sugar that has been allocated to us by an international board shall be disposed of. Is that right?

Mr. SMITH of Ohio. That is correct.

The International Emergency Food Council, one of the elements of world government, would continue to tell the United States how much sugar we can have. This would be true even if the United States increased its own sugar production. The people of the United States no longer have the power to say whether or not they shall eat the sugar they produce; that is now left to the one-world government, and this is something we ought to tell the housewives when they write to us for more sugar. Here again the political regime controlling our Government, which craves control and more control, is vested with an extraordinary power to manipulate our sugar supply.

I cannot find any legal authority whereby the President is given the power to enter into any international agreement which gives foreigners control over the sugar we produce.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Ohio. I yield.

Mr. JENKINS of Ohio. This International Board of Control the gentleman talks about met here in Washington about a month ago, did it not?

Mr. SMITH of Ohio. I am not sure.

Mr. JENKINS of Ohio. I believe they did. They give us the right to have a representative on that board, do they?

Mr. SMITH of Ohio. Oh, I think they extend us that little privilege.

Mr. JENKINS of Ohio. They give us that much courtesy, do they?

Mr. SMITH of Ohio. I suppose so.

Mr. JENKINS of Ohio. Who is our representative on the board?

Mr. SMITH of Ohio. I understand the President is supposed to be.

Mr. JENKINS of Ohio. He, of course, does not sit on any board.

Mr. SMITH of Ohio. But he is supposed to have the matter under his jurisdiction and he has, I believe designated the Secretary of Agriculture.

Mr. WOLCOTT. If the gentleman will yield, it is Secretary Anderson.

Mr. SMITH of Ohio. So far as I can learn it is just another one of those self-constituted powers of which we experienced so many in the last few years. In this connection it should be mentioned that the one-world government is not only telling the people of the United States how much sugar they can eat, but

also how much wheat and other foods; indeed, it is in the process of applying the same principle to everything we produce. If the people of the United States like this sort of arrangement, if they are willing to share their produce with the rest of the world they have the right to do so. I doubt, however, that they have any such desire.

Certainly it is the duty of every Congressman to inform his constituents of the facts of the situation. They should know if they have not already learned that the political forces controlling our Government are giving America away as fast as they can, and so far as I am aware the United States Congress is doing nothing about it; indeed, it is lending itself to supporting this insane and suicidal policy.

Mr. KUNKEL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Ohio. I yield.

Mr. KUNKEL. I believe the gentleman is performing a public service in calling these facts to the attention of the American people, but does not the gentleman believe that this bill cannot properly deal with the question he has raised, the second question, the one of international control? After all, this particular bill is merely to end sugar rationing in the United States, and this international situation does not properly fall within the scope of the pending legislation.

Mr. SMITH of Ohio. It certainly falls within the scope of the Congress of the United States and I think it is important enough that the Congress should give attention to it.

Mr. KUNKEL. Perhaps so, but it does not come within the scope of the pending legislation which deals purely with domestic matters.

Mr. SMITH of Ohio. But in dealing with this important question in which an international board tells us how much sugar we can have, I think it is certainly relevant to go into the collateral issues of similar nature. This is a bill to continue sugar control, yet we are letting word go out to the people today that we are here considering ways and means for doing away with sugar controls to the extent that we can get more sugar. We are not doing our full duty, so long as we do not tell them about this entire international arrangement.

Mr. EDWIN ARTHUR HALL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Ohio. I yield.

Mr. EDWIN ARTHUR HALL. The gentleman mentioned the international board and its activities. I call to the gentleman's attention an indication that there are some forces at work to limit the importation of Cuban sugar which during the war constituted a considerable source of supply to the people of the United States. Has the gentleman any information as to what this international board is going to do in relation to limiting the export of Cuban sugar to the United States?

Mr. SMITH of Ohio. How can anybody know what any international body is going to do?

Mr. KUNKEL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Ohio. I yield.

Mr. KUNKEL. I understand the International Emergency Food Council allotted from the Cuban crop somewhere in the neighborhood of 3,150,000 tons. There seems to be good reason to believe that the Cuban crop will exceed the estimate made at that time by 650,000 tons. Is there machinery by which that can be allotted to American housewives for canning purposes? Or does it have to lie in warehouses until the International Emergency Food Council meets again?

Mr. SMITH of Ohio. No; there is machinery to prevent it from coming into the United States; that is the International Emergency Food Council.

Mr. KUNKEL. In other words, as it stands, it will not come in.

Mr. SMITH of Ohio. We will get our proportion, of course; or, we are supposed to get our share. Whether we will or not I do not know but I assume probably we shall.

Mr. WOLCOTT. Mr. Chairman, I yield myself 3 minutes for the purpose of clarifying this question of our participation in the International Emergency Food Council and our authority to participate in it.

Mr. Marshall, of the Department of Agriculture, was before the committee, and this question was asked, and it was debated at length before the committee. On page 67 of the hearings we find this following language in connection with a statement of the history and authority for the United States participation in the International Emergency Food Council. I want to say at the outset that the International Emergency Food Council has no legislative authority and never was given the authority to dictate our policy. It operates only as an advisory group. The report says in part:

> The authority for participation by the United States in the Combined Food Board and the International Emergency Food Council is derived from the inherent constitutional power of the President with respect to foreign affairs. It should be noted that the International Emergency Food Council merely makes recommendations based upon information mutually supplied by its members. As the Chief Executive of the Nation, it is clear that the President has authority to confer and consult with representatives of foreign powers for the purpose of discussing mutual problems and obtaining information necessary to him in the performance of his duties under the Constitution and Federal statutes. The United States Supreme Court said in *United States* v. *Curtiss-Wright Export Corporation* (1936) (299 U. S. 304, 318, 319, 320) that the United States is vested with all the powers of government necessary to maintain an effective control of international relations, including, as a power inherently inseparable from the conception of nationality, the authority to make such international agreements as do not constitute treaties in the constitutional sense. The Court stated, moreover, that in the field of foreign affairs, "the President alone has the power to speak or listen as a representative of the Nation" and that although he makes treaties with the advice and consent of the Senate "he alone negotiates." It then affirmed the doctrine that in the field of international affairs, the President is the constitutional representative of the United States who manages our concerns with foreign powers.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. Take additional time, because I would like to have the point clarified.

Mr. WOLCOTT. It was clarified fully in the minds of the committee.

Mr. SMITH of Ohio. It was not clarified, I may say, in my judgment.

Mr. WOLCOTT. I am sorry we have not been able to satisfy the gentleman on that. The gentleman brought this matter up in the hearings before the committee, and consequently we went into this matter very thoroughly and we thought we had satisfied him.

Mr. SMITH of Ohio. We did not get any satisfaction in the hearing. I have gone over this matter with some attorneys, and they have advised me that there is no actual authority for this.

Mr. WOLCOTT. Whether they have authority or not, they merely act in an advisory capacity anyway. They have no status in the law except to advise with the President and the President is given authority under statutory law to ration and control the price of sugar.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SPENCE. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS of Louisiana. Mr. Chairman, I rise in support of the committee bill. I am quite sure that in the debate that has preceded me it has been pointed out to the Members of this body that this bill was reported out to the House only after full and complete hearings; that in our hearings all of the representatives of the Government, the industry and all of its branches, with two exceptions, to my knowledge, supported this legislation.

I do not believe that it can be intelligently argued or questioned that at the present time this Nation has a serious sugar shortage. I have the honor and the privilege of representing one of the districts in the State of Louisiana which produces a large quantity of cane sugar. As all of you know, there are only two States in the Union which produce cane sugar, those being the States of Louisiana and Florida, and Louisiana by far producing the greatest amount.

Following the last World War we had the experience in this country of the price of sugar skyrocketing. For the moment it was a temporary benefit and advantage to the producers of the great State of Louisiana. But it ultimately resulted in the bankruptcy of practically all of the producers and all of the processors, and, representing a sugar district, I would be the last person in the world to advocate the removal of these controls at this time. I do feel, however, that the committee has been very wise in setting October 31, 1947, as the date for the final termination of these controls. That date was arrived at only after careful consideration by the members of the committee. It is significant because at that time the beet harvest is well under way and the cane harvest has also progressed so that by October 31, 1947, we will know not only what the production will be domestically in the cane and beet areas, but we will also know what the production will be offshore. In addition to that, it

accords to our local producers, whether they be in the cane or beet areas, what little advantage of cost or price increase may accrue as the result of the removal of controls.

Mr. ANDERSON of California. Mr. Chairman, will the gentleman yield?

Mr. BOGGS of Louisiana. I am very glad to yield to the gentleman.

Mr. ANDERSON of California. I have listened with interest to the remarks of the gentleman about the termination date being the 31st day of October. In the event it turns out that the increase in the supply of sugar is not brought about by that date and it would be found desirable to continue controls beyond that particular time, does not the gentleman feel that some provision should be made in this bill because of the fact that at that time Congress will not be in session and could not act?

Mr. BOGGS of Lousiana. No; I do not think I would go along with the gentleman on that because if you refer to the hearings you will find I asked that very question of a number of witnesses who appeared before the committee and it is just as logical to argue that controls should be continued through 1948. By October 31, 1947, we will know definitely what our sugar supply is. So I feel that Congress wants to remove these controls, and the October 31 date is as logical a date as March 31, the date which has been suggested by some people.

Mr. Chairman, I should like to commend particularly the chairman of our committee, the distinguished gentleman from Michigan, who conducted these hearings in his usual fair way. All of the interests were permitted to be heard. I believe this bill comes before the House today by and large with the unanimous support of the committee.

Mr. LEWIS. Mr. Chairman, will the gentleman yield?

Mr. BOGGS of Louisiana. I yield.

Mr. LEWIS. Why can we not end the controls on the 31st of this month?

Mr. BOGGS of Louisiana. To end the controls on the 31st of this month, that is, the 31st of March, would be a very dangerous thing because we now know exactly what our sugar supply is for this year, 1947. If you will refer to the report on this bill you will find that we are several million tons short of the demand. If we remove controls next week, which would be the end of this month, we would have such a scramble for the available supplies of sugar that the housewives who need it most would not get it and the big industrial users who have the advantage of being able to bid up the price and who have the greatest funds would get all the sugar in the United States.

Mr. PHILLIPS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BOGGS of Louisiana. I yield.

Mr. PHILLIPS of Tennessee. Does this bill make any provision for the housewives during the canning season?

Mr. BOGGS of Louisiana. I think it does.

Mr. PHILLIPS of Tennessee. What provision or section guarantees that any housewife will get additional sugar at the time she needs it most?

Mr. BOGGS of Louisiana. I am not familiar with that particular section or provision, but I do know, first, that the allocation of sugar to the housewives has been increased for the next two quarters which is the period for which this bill extends controls. In addition, there was a great deal of testimony before the committee on that particular subject. However, the chairman of the committee or the gentleman from Kentucky [Mr. SPENCE] might be better prepared to answer that particular inquiry.

Mr. PHILLIPS of Tennessee. Did I understand the gentleman to say that there was no real shortage of sugar? And if there is no real shortage of sugar, why should we have these controls extended?

Mr. BOGGS of Louisiana. No; I did not say there was no real shortage of sugar. I said, in my opinion, on October 31, 1947, ample supplies of sugar would be in sight but at the present time when the 1947 and 1946 crops have been harvested or already in warehouses in this country and the allocations to foreign countries have been made, there is a shortage of sugar.

Mr. PHILLIPS of Tennessee. Did the gentleman read the statement in the Herald Tribune on March 7, 1947, which said that the Department of Agriculture stated there was no shortage of sugar?

Mr. BOGGS of Louisiana. No. But that was not the testimony of the Department before the committee.

Mr. Chairman, I trust this bill will be adopted without amendment.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. WOLCOTT. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. KILBURN].

Mr. KILBURN. Mr. Chairman, I feel that we should decontrol sugar as soon as we possibly can so that the law of supply and demand will again operate with this commodity. Of course the best time to decontrol is when we have an adequate supply. Our committee heard many witnesses who have studied the sugar situation all over the world for years and I listened attentively to their testimony. I feel the most valuable witness was our able colleague the gentleman from Michigan [Mr. CRAWFORD] who during the last 12 months has visited every sugar-producing country in the world north of the Equator and probably knows as much about sugar as anyone in the House. His argument that October was the best time to remove controls carried great weight with me. He said that the crop from the continent of the United States would be available by that time and the Cuban crop would be available the following January to June. By announcing that time as termination date the beet-sugar growers of this country can go ahead this spring and summer and increase their acreage so that around that time of year we should have as good a supply as we are ever likely to get.

We put a provision in this bill to have the Department of Agriculture continue inventory controls until March 31, 1948. This was for the purpose of preventing large industrial users from stocking up before controls go off or right afterward.

I feel that whenever sugar is decontrolled the price will undoubtedly go up and our problem was to set the date of decontrol at the time of year when we would probably have the biggest supply available, in order to prevent too drastic a rise. Last year when jellies, jams, pastry, and so forth, were decontrolled the price, of course, went up and as a result the housewife is now paying between 25 and 30 cents a pound for the sugar going into those products when she buys them. The sugar-using products that the housewife buys account for about half the families' total consumption. So even if the housewife has to pay more for the sugar she buys from the grocer she will undoubtedly pay less for sugar used in the manufactured products and she will be in a position to put up her own jellies, jams, fruits, and so forth.

Generally speaking, the sooner we can have a free market and get the readjustment over with the better and the more likely we are to have an adequate sugar supply. For that reason I support this bill.

Mr. WOLCOTT. Mr. Chairman, I yield such time as he may desire to the gentleman from Kansas [Mr. COLE].

Mr. COLE of Kansas. Mr. Chairman, I do not favor price or rationing control in a peacetime economy. This bill, however, in my opinion, is legislation to decontrol prices and rationing and, therefore, I support it.

This bill provides for the elimination of OPA, and for the first time we have set a definite, positive, fixed date upon which this commodity shall be decontrolled. That date has been fixed as of October 31, 1947, because at that time, we will know exactly what amount of sugar will be available for 1948. In addition, consumption will be at a minimum and production at a maximum. The possibility of speculation and exorbitant prices will be remote.

But the important thing, I repeat, Mr. Chairman, is the announced policy of decontrol.

Mr. WOLCOTT. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES. Mr. Chairman, I call attention to the provisions of this bill contained on page 9, beginning with line 16, reading as follows:

> Such personnel as the Director of the Bureau of the Budget determines to be required may also be transferred temporarily to the Department of Agriculture pending termination in whole or in part of the powers, functions, and duties transferred by subsection (a) of this section.

I call your attention to the fact that as the bill is presently written it violates the provisions of the Veterans' Preference Act of 1944. This question is raised in a telegram that I think many of the Members have received from Col. John Thomas Taylor, legislative representative of the American Legion, which reads in part as follows:

> Language of resolution would transfer employees from OPA to Department of Agriculture temporarily. Use of word "temporarily" destroys protection of veterans employed by OPA who would be transferred to Agriculture which protection contained in Veterans' Preference Act of 1944. Would appreciate your cooperation to ascertain that language

of resolution is amended so veterans' preference is preserved for each war veteran involved in transfer.

I discussed this matter with the Legal Division of the Civil Service Commission, and it is their opinion that the word "temporarily" in this resolution would empower the Department of Agriculture to eliminate the employees who were transferred from the Office of Price Administration without competition with employees now or hereafter employed in the Department of Agriculture. The belief, in which I concur, is that the above provision would nullify the following language of the Veterans' Preference Act, section 12:

And provided further, That when any or all of the functions of any agency are transferred to, or when any agency is replaced by, some other agency, or agencies, all preference employees in the function or functions transferred or in the agency which is replaced by some other agency shall first be transferred to the replacing agency, or agencies, for employment in positions for which they are qualified, before such agency, or agencies, shall appoint additional employees from any other source for such positions.

The intention of Congress in this provision of section 12 of the Veterans' Preference Act was to insure the protection of the employees with veterans' preference who were transferred from one agency to another by virtue of the fact that the functions and duties of that particular agency were transferred to another agency. Under the present language the Department of Agriculture would be able to eliminate all of the employees transferred from the OPA, regardless of their veterans' preference or other rights as civil-service employees.

When the proper time comes I shall offer an amendment to protect the veterans' preference rights under the Veterans' Preference Act of 1944. I have prepared an amendment which will, at the end of this section, line 23 on page 9, add these words:

Provided, That nothing in this section shall in any wise be construed to violate any of the provisions of the Veterans' Preference Act of 1944.

I think the members of this committee are as anxious to see that veterans' rights are protected as they were when they passed the Veterans' Preference Act of 1944. I trust that when the time comes for the consideration of this amendment I may secure the unanimous approval of this committee. I should also add that this matter was discussed in a meeting of the Committee on Post Office and Civil Service. It was agreed by the members present that an amendment should be submitted to this legislation to provide for proper protection of veterans' rights under the Veterans' Preference Act of 1944.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield?

Mr. REES. I am glad to yield to the distinguished chairman of this committee.

Mr. WOLCOTT. I might state that it was not the intent of the committee or any member of the committee that I know of, to in any manner interfere with the civil-service status of any employee. The word "temporary" was used solely in respect to the length of his employment in that particular department. It was explanatory of the fact that we were setting up these controls temporarily and that did not change in any manner the status of the individual.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. REES] has expired.

Mr. WOLCOTT. Mr. Chairman, I yield the gentleman three additional minutes.

If there is any question about it, I make the suggestion that the gentleman broaden the language of his amendment to include the assertion that this language shall in no manner affect the civil-service status of any employee so transferred, because I am afraid if we say it shall not change the veteran's preference status, by saying that, we might indicate we are changing the status of other employees in other respects.

Mr. REES. To do that you could strike out the word "temporarily."

Mr. WOLCOTT. No, no; because we do not want those employees transferred permanently to the Department of Agriculture.

Mr. REES. I can see what is in the gentleman's mind. I believe my first proposal is the proper one to follow.

Mr. WOLCOTT. We want to make it clear that the status is not changed so long as they are temporarily working for the Secretary of Agriculture, but when he gets through with them they may either be transferred back to the OPA, if OPA is in existence, or transferred to other agencies, or, under the Civil Service rules and regulations, I presume they could be transferred permanently to the Department of Agriculture. But under the provisions of this law they cannot be transferred permanently to the Department of Agriculture. We save the Civil Service Commission in any prerogatives or rights that they may have under the Civil Service law to protect, in full, the status of civil-service employees. This word "temporarily" has nothing whatsoever to do with the status of the employee. It has to do with the length of his employment.

Mr. REES. The thing in which I am deeply interested is this, that when a veteran is transferred under the terms of this measure to the Department of Agriculture, that veteran should have the right, as is required under the Veterans' Preference Act, to compete with any other employee in the Department of Agriculture holding a similar position, in the event of reduction in force. He should have the right of veterans' preference preserved if he is transferred to the Department of Agriculture. You should not hold him out separate from other groups.

Mr. WOLCOTT. Let me ask the gentleman this question: Should a veteran who is now working in OPA have the right, in his present status, to compete with those in the Department of Agriculture, in a comparable status?

Mr. REES. As an employee in the Department of Agriculture, certainly he should have that right. He becomes an employee of the Department of Agriculture and has such rights as accrue to him as an employee of that Department.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. SPENCE. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. DOMENGEAUX].

Mr. DOMENGEAUX. Mr. Chairman, there is no doubt in my mind that every man in this Congress today desires to bring about decontrol of sugar as soon as it is safe and proper to do so.

I represent probably the largest sugar-producing area in this country. The question to my mind is when should this be done. My area of south Louisiana also produces an enormous amount of rice. We were very much chagrined when the President continued control on rice and sugar. We thought we were being discriminated against. But after deliberation and thought, it was inevitable that we come to the conclusion that sugar controls should continue, because of the short supply that existed. We do not want a repetition of what occurred after the last war, where every sugar planter, processor, and refiner was virtually bankrupt, and failures were wholesale. We do not want prices to skyrocket like they did during that period. But we do want sugar controls to go off as quickly as possible.

The October 31 date as written in the bill by the committee to my mind is a very reasonable and logical one.

Mr. RAMEY. Mr. Chairman, will the gentleman yield?

Mr. DOMENGEAUX. I yield.

Mr. RAMEY. I am seeking information only, and I may say to the gentleman that I am not a member of his committee. We in my section of Ohio are very much interested in the peach crop. We are consumers of peach crop, and I am wondering if additional rations for canning purposes are being considered.

Mr. DOMENGEAUX. I am not a member of the committee either, I may say to the gentleman from Ohio, but I am informed that such testimony was given before the committee. I was not present myself and cannot testify.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. DOMENGEAUX. I yield.

Mr. SPRINGER. May I say to my distinguished colleague that Subcommittee No. 4 of the Judiciary Committee has been hearing evidence under the Second War Powers Act. That has been completed. The gentleman mentioned something about rationing a little while ago. We had a very distinguished gentleman who testified before our committee and from the statements he made there seemed to be no necessity for continuing rice under the controls it has been held under heretofore. I would like to have the gentleman give an explanation on that subject if he will.

Mr. DOMENGEAUX. I think that is a correct statement, because production of rice in the United States today is 50 percent more than its normal consumption and export to its normal markets

such as Puerto Rico and Cuba. The only justification for rice control at the present time in my opinion is possibly export control, but nct domestic control, because such domestic control would prevent a maximum development of such markets.

Mr. SPRINGER. Does the gentleman feel that it is necessary that the export control be continued?

Mr. DOMENGEAUX. Yes; I do, and that seems to be the unanimous opinion of the producers, processors, and millers of rice in my section of the country.

Mr. BOGGS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. DOMENGEAUX. I yield.

Mr. BOGGS of Louisiana. The same question was directed to the gentleman that was directed to me a few moments ago in my remarks about sugar for the housewife. If the gentleman will refer to page 8 of the committee report he will note that the sugar ration for this year, 1947, has been increased approximately 10 pounds per person over what it was last year, which means approximately 30 or 40 pounds per family.

Mr. DOMENGEAUX. I think that is correct. It simply shows that sugar supplies are improving day by day in this country.

Mr. ROBSION. Mr. Chairman, will the gentleman yield?

Mr. DOMENGEAUX. I yield.

Mr. ROBSION. Does the gentleman think we would have more or less sugar if we did not pass this bill?

Mr. DOMENGEAUX. I do not believe the question of control or decontrol would either increase or decrease production. There is no incentive situation involved in this decontrol measure; but it will do this, it will put back the operations to a normally competitive market which I think will give a better flow of the sugar which is available.

Mr. ROBSION. That will be after October.

Mr. DOMENGEAUX. After October 31, 1947.

Mr. ROBSION. Would the provisions of this bill permit any greater quantity of sugar to be shipped to foreign countries?

Mr. DOMENGEAUX. No; it would not, and as a matter of fact none of our domestically produced sugars have ever been shipped to foreign countries.

If I may continue, I am gratified to see the committee bring out this bill decontrolling sugar as of October 31. Without wishing to be presumptive, it carries with it the major provisions which were contained in House Joint Resolution 115, which I introduced earlier. In my bill there was provision that sugar be decontrolled on October 31 and it also contained inventory controls, the transfer of powers to the Secretary of Agriculture, and a provision allowing new users to participate in sugar supplies.

The question of timing is paramount and important in the question of the decontrol of sugar, and it is proper that October should be that date because October is the statistical date that is employed and has always been employed in the sugar markets. It is also the date when the annual estimates of sugar are established and determined. It is the date when the estimates as to beet and cane sugars from Louisiana, Florida beet areas, Cuba, Puerto Rico, Virgin Islands, and Hawaii are determined. It would be the most ridiculous thing in the world to me to see sugar decontrolled at any other date than September or October, because if you carry it on beyond the year it would only mean this: The Louisiana people who produce sugar and who market their sugar from November on would certainly retain their sugar and not put it on the market, with the result that it would contribute to a short supply. The same would result from other areas who normally market before such date. The reasonable time to decontrol this sugar is before your producers put their sugars on the market, so that the legitimate increase, should any result at the end of October, would go to those people who are entitled to those increases, and they are the producers of sugar and not the speculators. We know that our anticipated consumption for 1948 will be approximately 8,000,000 short tons of sugar. We estimate the production for a similar period, from the mainland and beet areas, will be 2,200,000 tons; from Hawaii, approximately 800,000 tons; from Puerto Rico, 1,000,000 tons; and from Cuba, 5,500,000 tons—or a total of 9,500,000 tons.

Now, all of this sugar in the past, historically, belonged to the United States, and we used such sugars. Today, however, part of the Cuban crop becomes a part of the international arrangement. But the fact still remains that the anticipated production of sugar is going to be substantially larger than it has been in the past. There is an element of risk involved in the decontrol of sugar, and that element exists today; it will exist in October, it will exist in March, and it will exist next October.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. SPENCE. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. DOMENGEAUX. There is always going to be an element of risk involved in the decontrol of sugar, and we might as well understand that there may be and probably will be an increase in the price of sugar. But I believe that after a very short time it will moderate itself and it will go back to normalcy, and it is only reasonable and proper that when the production is about equal to the requirements, that the great sugar industry in this country should have an opportunity to readjust itself in times like these, so that when hard times come, when production comes, they will have adjusted themselves into a normal market and will be in a better position to meet those problems.

Certainly, if sugar goes up a little bit, and I think it will, that is not unreasonable, because sugar today and always has been the cheapest commodity on the American market. You are paying about 9 cents for sugar today, and in comparison it has gone up very, very little to what other commodities have. Actually you could not produce sugar in this country under the market prices if it were not for the subsidies that are provided for by this Government.

So, I say that October 31 is the date on which sugar should be decontrolled. The other body has a bill which provides for the decontrol of sugar after March 31. That bill, I understand, will be taken up today or tomorrow. Certainly, I have no criticism of that but I do hope that they will see the situation as the House will and that they will join with us in meeting the date of October 31.

Mr. BOGGS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. DOMENGEAUX. I am happy to yield to my colleague.

Mr. BOGGS of Louisiana. The gentleman, coming from a large sugar-producing area, is thoroughly familiar with the sugar situation. Does he believe that the production situation will be any different on October 31 than it will be on March 31?

Mr. DOMENGEAUX. The gentleman is perfectly correct. There will be no difference. There can be no difference, because the production period is determined as of October 31. The situation, insofar as greater or lesser supplies are concerned, should change at all between the period of October 31 and March 31 of the following year.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. DOMENGEAUX. I yield to the gentleman from Virginia.

Mr. HARDY. Do I understand that the fixing of the date as of October 31 is predicated on a belief that the sugar situation, the supply situation at that time, will be substantially ample to take care of our requirements?

Mr. DOMENGEAUX. That is the general proposition. It is the estimate of anticipated production on that date.

Mr. HARDY. That anticipation is based on current production estimates?

Mr. DOMENGEAUX. That is correct.

Mr. HARDY. Is it not within the realm of possibility that there might be a serious curtailment in our production between now and October 31?

Mr. DOMENGEAUX. That is possible as to any commodity. There is an element of risk.

Mr. HARDY. That was my point. That being the case, how long prior to October 31 would it be possible to determine whether on October 31 we might be faced with a serious shortage?

Mr. DOMENGEAUX. That could be determined say 15 days previous, October 15.

Mr. HARDY. In such event, what action can the gentleman recommend?

Mr. DOMENGEAUX. That is the risk that is involved in any such operation as this.

Mr. BOGGS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. DOMENGEAUX. I yield to the gentleman from Louisiana.

Mr. BOGGS of Louisiana. Is it not a fact that the same risk would be taken if you adopted March 31, 1948?

Mr. DOMENGEAUX. There is no doubt about that.

Mr. BOGGS of Louisiana. So that you could make a case for continuing control of sugar.

Mr. DOMENGEAUX. There is no doubt about that. You would be con-

stantly confronted with the same uncertainties that exist as of that date.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. DOMENGEAUX. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Suppose on the 15th day of March 1948 Cuba, an independent republic, announces to the United States that it does not propose to harvest any more sugarcane? What are you going to do on March 31, 1948? I submit to those who argue that date.

Mr. DOMENGEAUX. The price would go sky high and you would have little chance of supplying our requirements.

Mr. CRAWFORD. That could happen any time under a free economy?

Mr. DOMENGEAUX. Absolutely.

Mr. WOLCOTT. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. MURRAY].

Mr. MURRAY of Wisconsin. Mr. Chairman, first, I want to compliment this splendid committee for bringing in this bill.

Listening to the debate, I could not help but think about the efforts this committee made a year ago in bringing in their price-control bill, which later was vetoed by the President, because the principle involved here today is, as far as sugar is concerned, just one example of what this committee tried to do as far as all the many articles that were under control at the time. Therefore, I think this is an admission here among ourselves that we are going to take sugar and do the same thing as we tried to do in the bill of a year ago.

The reason I asked for this time, Mr. Chairman, is to clarify once more exactly what is going to happen in the conservation of one of our greatest foods. Great losses of a splendid food is taking place at this time. I am speaking of dried skim milk. I do not want to take your time to describe it any more than to say that it has something over 35 percent digestible animal protein. It is the cheapest food in the world today. Until 1935 its production for animal use and human use was not kept separately. One of the most constructive pieces of food conservation that took place during this war took place in the diversion of this dried skim milk from animal feeding to human use. In fact, by 1946, there were only 15,000,000 pounds going into animal feeding. The chances are a large part of that 15,000,000 pounds may have been spoiled during the process and might not have been fit for human consumption. Last year we produced 663,000,000 pounds of this wonderful product.

There has been plenty of criticism because no more effort was made to conserve the food value of the millions of bushels of potatoes that were wasted. Many people feel that more effort should have been made to recapture the food in this potato crop and divert those potatoes to human consumption. Facing, as we do today, a large increase in the production of certain manufactured dairy products, which means an increase in the production of this powdered skim milk, we are going to face throughout the next few months a more serious problem than we ever had before. What I am addressing myself to is the importance of providing sugar so that we can conserve as large a quantity as possible of this skim milk that is going down the drain in the thousands of tons and is liable to go from now on during the flush season.

So that we may have it right in the record, once and for all, may I ask the distinguished chairman if he feels in his own heart and in his own mind that this skim milk is having the consideration that it should have, and if he feels that every effort will be made to conserve this great food?

Mr. WOLCOTT. If the intent of the committee in this legislation is carried out, that matter would get all of the consideration which it deserves, taking into account its importance in relation to the over-all program. We found it rather difficult in laying out this program to set aside any certain percentage of our sugar stock for any particular use. As I said, we must give the administration of this law to somebody, and we thought if it was given to the Secretary of Agriculture he would give more sympathetic consideration to the use of sugar for the preservation of foods than at present. So we have made it very clear. It is the intent of the committee, and we should make it clear now that it is the intent of the Congress, that in the allocation of sugar in respect to so-called hardship cases or the cases of new users, that the Secretary of Agriculture in carrying out the provisions shall make reasonable provision for meeting the needs of users of sugar in case of hardship. You note we use the word "shall" which means that it is mandatory.

Then we stress the fact that we intend he shall make larger quantities available for the preservation of milk, including cases where sugar is needed to avoid the wastage of milk or other food products. We mention milk here specifically along with other food products, giving emphasis to the necessity for the allocation of sugar to prevent the spoiling of millions of gallons of food in the form of milk which might otherwise be preserved for our use and the use of people all over the world.

Mr. MURRAY of Wisconsin. I thank the gentleman. I think every one of us realizes that with the huge appropriation being made in connection with our food program in our country and all over the world we must be careful that we recapture and preserve all the food that we produce rather than come to Congress for a $100,000,000 for this and a $100,000,000 for that in the name of agriculture. At least, we ought to make some concerted constructive effort to conserve the food that is produced and not allow it to be continually wasted.

Mr. ROBSION. The gentleman who is addressing the House is a very able member of the great Committee on Agriculture, and as I understand it he favors this bill. Does the gentleman favor the bill?

Mr. MURRAY of Wisconsin. Yes, sir.

Mr. ROBSION. In what way will that help the American housewife or other consumers of sugar?

Mr. MURRAY of Wisconsin. It can be made to help the housewife. I do not know of any way that we can properly get out from under these controls except gradually as we voted to do a year ago. That is the reason why we must submit to certain controls and must submit to a control over exports for a while longer.

Mr. ROBSION. And under this bill the controls are extended to October 31.

Mr. MURRAY of Wisconsin. Yes. By October 31 we should know pretty well what the sugar production of this country is going to be. We should have a pretty good idea of it.

Mr. ROBSION. The gentleman is telling us that this bill is necessary and essential in the interest of the American housewives and canners and other consumers of sugar?

Mr. MURRAY of Wisconsin. I am. I think if it is properly handled and if the sugar is used for the right purpose, it is the very best measure that we can have at the present time.

I yield to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. The gentleman has correctly observed that by October 31 we will know the production of sugar in the United States for this current calendar crop year. Likewise, we will know the production in Europe and all the sugar-beet fields in the world by October 31.

Mr. MURRAY of Wisconsin. Yes.

Mr. CRAWFORD. We will also know what Cuba will have produced from the cane now going to the mills and thus settle this question of the 654,000 additional tons which it was announced in this country it is expected that the Cuban sugar production will be over and above all estimates previously made in the last 60 days by the Government.

Mr. MURRAY of Wisconsin. I thank the gentleman. It has long been recognized that the gentleman from Michigan [Mr. CRAWFORD] is one of the Nation's greatest sugar authorities. I am pleased to find he is in support of this legislation.

The following data and comments are submitted at this point.

DRIED SKIM MILK

Mr. Chairman, dried skim milk is a food product that never has and apparently is not now sufficiently appreciated. This product has a content of 35.6 percent of good digestible animal protein.

When one realizes that meat has but from 15 to 20 percent digestible protein, it is apparent why every effort should be made to save every pound of dried skim milk and use it for human consumption.

The Agriculture Department recently placed a floor price of 10 cents per pound on the product. Even the OPA in its wisdom provided a 14½ cents per pound ceiling price.

Skim milk plus millions of bushels of wasted potatoes could have been used for concentrated soups. Today additional sugar should be allocated so that skim milk could be canned in the form of condensed sweetened skim.

Why waste foods after they have been produced. Why appropriate millions to encourage additional food production if

our agencies are not conserving and processing the good foods already produced.

The following is a table showing both the amounts of dried skim produced and the diversion of dried skim from animal feed to human food.

Nonfat dry milk solids production, United States, 1918–46

[1,000 lbs.]

Year	Spray, human	Roller, human	Total, human food	Dry skim, animal feed	Total, human and animal
1918					26,202
1919					34,945
1920					41,893
1921					38,546
1922					40,617
1923					62,251
1924					69,219
1925					73,317
1926					91,718
1927					118,123
1928					147,996
1929					207,579
1930					260,675
1931					261,938
1932					270,194
1933					288,114
1934					294,935
1935			187,531	109,975	297,506
1936			223,827	125,723	349,550
1937			244,511	127,692	372,203
1938			289,121	160,170	449,291
1939			267,860	140,520	408,380
1940			321,843	159,962	481,805
1941			366,455	110,042	476,497
1942			565,414	61,148	626,562
1943	245,596	264,024	509,620	24,279	533,899
1944	266,448	316,464	582,912	16,407	599,319
1945	[1] 298,741	[1] 345,004	[1] 643,745	[1] 17,602	[1] 661,347
1946	[2] 351,800	[2] 286,460	[2] 638,260	[2] 15,525	[2] 653,785

[1] Preliminary enumeration.
[2] Estimates, subject to revision.

Official table from the Bureau of Agricultural Economics.

The product is used in the baking industry and for the manufacture of ice cream and candy. In condensed form as well as in dried form the product has been combined with cream and reconstituted and used as fluid milk in many areas during the past few years.

Mr. WOLCOTT. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. VAN ZANDT].

Mr. VAN ZANDT. Mr. Chairman, I rise at this time to support House Joint Resolution 146 and in doing so wish to compliment the House Banking and Currency Committe for an honest effort to solve the sugar problem.

There is no issue more confused or more difficult to understand than the scarcity of sugar.

During the past week end, when talking to an industrial sugar user in Altoona, Pa., he convinced me that practically everyone but the American people can obtain an adequate supply of sugar. He read a letter that he received from a broker in New York City containing the following statements:

How are you fixed up on cocoa butter, milk chocolate in bales, or Brazilian bitter chocolate in bags or cases?

Then he read this statement:

Imports of sugar candy and confections from all countries to the United States rose from 1,166,000 pounds in 1942 to 62,575,000 pounds in 1945.

He concluded his discussion by informing me that during a recent visit to the post office he was told that a 5-pound package of American granulated sugar that a resident of Sweden sent to a relative here in the United States, was awaiting delivery until the necessary ration stamps could be given to the Post Office Department. In other words, American-processed sugar sent to Sweden was returned to the United States to a relative.

Foreign manufacturers of cocoa butter and milk chocolate requiring sugar seem to have no difficulty in producing chocolate containing sugar. In general, foreign manufacturers have no difficulty in making sugar candy and confections and sending them to the United States. Foreign citizens have no trouble getting sugar from the United States and then returning it to relatives in this country. Is it any wonder the American people are bewildered and confused?

American housewives have been too patient and have accepted so many flimsy excuses that it is time we have an honest allocation of sugar supplies with the insistence that the United States receive an adequate amount of sugar for the needs of the American people.

The House Committee on Banking and Currency is to be commended for establishing a date upon which sugar controls will terminate because until we get the Government out of the hair of the American people we are going to continue to be faced with confusion and chaos in handling the supply of sugar in the United States.

Mr. WOLCOTT. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. BUFFETT].

Mr. BUFFETT. Mr. Chairman, I asked for this minute in order to ask the chairman of the committee if he thinks it is intended that the hardship provision in the bill is intended to provide relief for retailers for their inventory to meet the impact of the increase in the stamp ration from 5 pounds to 10 pounds.

Mr. WOLCOTT. If there are any hardships created by increasing the value of the sugar stamp to the retail grocer, it is my opinion that the Secretary of Agriculture will have to give consideration to it, under the language of the bill.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. WOLCOTT. Mr. Chairman, I yield myself three additional minutes to answer the gentleman from Illinois.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. OWENS. At the time of the hearings the statement was made that we feel should be clarified so that the agency may know just how far it should go and what it is required to do insofar as setting up new businesses is concerned. Then it says particularly so since the effect of the new user's provision would be to increase the available supply of sugar for the industrial users. I would like to include the housewives and everyone who uses sugar in that provision concerning new users, to have that clarified enough to let the housewives and industrial users know whether they are going to be deprived of sugar which they previously had.

Mr. WOLCOTT. I do not think there should be any question about this. This will be enough with respect to that. In making available sugar for new users, the Secretary of Agriculture is not limited by too rigid standards or even suggestions in the act, except that we do compel him to make available some sugar for new users. It may be assumed that if it develops that the Secretary should make available, for example, 10 percent of any increase to new industrial users, then the present industrial and commercial users, will have to have 10 percent taken from the increase. So that if there is an increase of 15 percent to the industrial user, as I believe it is contemplated, and it develops that the new users must have 10 percent of that increase, then the new industrial and commercial users will have 10 percent of the increase deducted from the 15 percent. I have gone a long way around to explain the situation but I think that would inevitably happen, but it would not be taken from the allocation which they have at the present time. It would be taken from the increase over any allocation they now have.

Mr. OWENS. That makes it very plain.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WOLCOTT. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. KEATING].

Mr. KEATING. Mr. Chairman, although I do not like continued governmental controls and hope they can and will be eliminated just as rapidly as is consistent with safety, I have become convinced that the temporary continuance of control over the supply of sugar is necessary in order to give the housewives of this country something like an adequate supply at a reasonable price. My fear is that if we do not support this measure we will find in short order that all our sugar will be gobbled up by industrial users or at least its price will be inflated by the volume consumers to such a point that the housewives cannot buy it or will have to pay a price way out of all reason. With some reluctance therefore I plan to support this legislation.

I do want to ask a question of the distinguished chairman, however, with reference to the very last paragraph of the bill because I think it is not desirable, unless absolutely necessary, to extend governmental control over anything that is not now covered. In the first place, are these liquid sugar, sirups, and molasses and sugar-containing products mentioned in this paragraph now covered by controls, and if they are not, what is the reason for bringing those allied products under this bill?

Mr. WOLCOTT. They are covered at the present time. I suggest that the gentleman not to be confused by the use of the word "saccharin" in line 3. That is not the saccharin that you buy in a drugstore in bottles, which is not made from these products

Mr. KEATING. I have been informed by certain industrial users in my district that the present price control is only over sugar derived from sugar cane and sugar beets. Is that in error?

Mr. WOLCOTT. We cannot add new products under the language of the bill. We could not bring other commodities under control which were not under control on February 18, 1947, which is an arbitrary date. On page 6, if the gentleman will refer to his work copy of House Joint Resolution 146, we provide:

That the power contained herein shall not be deemed (i) to permit the allocation or rationing of any product (other than the allocation of such product imported or brought into the continental United States) unless a regulation providing for allocation or rationing thereof was in effect on February 18, 1947.

So this bill could not be interpreted as broadening any authority which was not in operation on February 18, 1947, in respect to use, rationing and price control which existed on that date.

Mr. KEATING. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WOLCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. TWYMAN].

Mr. TWYMAN. Mr. Chairman, I rise to commend the gentleman from Kansas [Mr. REES], chairman of the Committee on Post Office and Civil Service, for having called attention to the word "temporarily" on page 9, line 18, and to ask that this committee give favorable consideration to the amendment which I understand the gentleman from Kansas intends to offer.

I want you to know that our committee heard both sides of this question. We came to the conclusion that we should be concerned with the protection of the veterans who are going to be involved by reason of transfer to the Department of Agriculture. I think everyone here appreciates that these men should have the same standing as those presently employed by the Department of Agriculture when it comes to be necessary to reduce the force. We understand that this whole provision of the extension of controls is temporary. We do not believe those men should be sacrificed by the inadvertent use of this unfortunate word "temporarily." I do hope that favorable consideration will be given to the amendment when it is offered.

Unless the word "temporarily" is eliminated from this bill a serious injustice may be done to a large number of veterans who are transferred as a result of the passage of this act. I feel that we should carry out the provisions of the Veterans' Preference Act. I am glad the American Legion and other veterans' organizations were alert and brought this to the attention of the House Committee on Post Office and Civil Service.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. FLANNAGAN].

Mr. FLANNAGAN. Mr. Chairman, I rise primarily for the purpose of asking the chairman of the committee a few questions.

Mr. Chairman, I think the sugar rationing program created more resentment among the American housewives than any program ever inaugurated. Take the situation down in my district. During the canning season the housewife could go to any country store and find plenty of soft drinks, plenty of candy, and yet she could not find the sugar to can the fruit that was going to waste.

I believe some provision should be made to give American housewives sufficient sugar to can her fruits and berries. I wish to ask the chairman of the committee if provision (b) on page 7 providing for hardship cases would take care of the American housewives during the canning season?

Mr. WOLCOTT. If there were going to be food wastage at that time, as there of course would be if she were not given reasonably adequate supplies, then I think under the language of the bill and the interpretation expressed in the report, the Secretary of Agriculture would have to give consideration to those cases as hardship cases. The language we have used in the committee report would indicate our intent in that respect.

Mr. FLANNAGAN. It would indicate the intent of Congress to give additional sugar to the American housewives during the canning season provided under the allotments made to them, they could not obtain sufficient sugar to can their fruits and vegetables to tide them over to the next canning season.

Mr. WOLCOTT. Under the language of the bill and under the language in the committee report, the Secretary of Agriculture must give reasonable consideration to the alleviation of those cases if otherwise there is likely to be a wastage of food products.

Mr. FLANNAGAN. There was a tremendous wastage of food products during the last canning season, I think, not only in my district, but all over the country. A lot of food went to waste due to the fact that the housewife could not get the sugar with which to can.

I would like to ask the ranking minority member if the interpretation given by the chairman is his interpretation of the language.

Mr. SPENCE. I think it is a reasonable interpretation.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. WOLCOTT. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, may I say to the Members of the House that I take this time to ask the chairman of the committee a few questions, and preliminarily to asking those questions may I say that subcommittee No. 4 of the Committee on the Judiciary has been holding hearings on the Second War Powers Act, which includes also title III of that act which relates to allocations and priorities under which practically all of this sugar rationing and allocations has been handled. At this moment, and before we complete the executive sessions of that committee, and in rewriting whatever will be rewritten with respect to the Second War Powers Act I would like to ask the chairman of the committee two or three questions, if I may have the gentleman's attention at this time.

I note under the bill which is before the House, Mr. Chairman, that it provides that notwithstanding any other provisions of law, title III of the Second War Powers Act of 1942 and the amendments thereto, and title XIV of the Second War Powers Act of 1942, are eliminated, apparently, by this bill. The question now comes under title III of the Second War Powers Act as to whether or not that title should be extended insofar as allocations and priorities are concerned with respect to sugar or whether or not this pending bill, if passed, will fully cover and take care of everything with respect to the allocation of sugar with the present shortage? I would like to have a definite answer on that subject, if I may.

Mr. WOLCOTT. Upon the effective date of this bill, all the powers necessary to ration sugar will be in effect, because this bill continues the provisions of title III and title IV of the Second War Powers Act of 1942, insofar as they relate to sugar. Therefore, since the bill would continue the sugar-rationing-authority provisions of title III of the Second War Powers Act of 1942 it would not be necessary to continue them by other legislation.

Mr. SPRINGER. In other words, as I understand, if this pending bill is passed it will be wholly unnecessary for any extension under the Second War Powers Act, or the allocations provided thereunder with respect to sugar; is that correct?

Mr. WOLCOTT. It would not only be unnecessary, it would be quite redundant.

Mr. SPRINGER. Another question, if I may be permitted. As I understand, with the passage of this act, it will not interfere in any way with the allocation of sugar under rationing stamp 11; that is, those who have possession of the stamp will be entitled to receive 10 pounds of sugar rather than 5 pounds of sugar, and this act will not tend to affect that allocation in any way whatever. That notwithstanding the provisions of the pending bill the housewives will be entitled to receive 10 pounds of sugar on stamp No. 11, and those following.

Mr. WOLCOTT. That is my understanding. As a matter of fact, we hope it will not be necessary to print any more stamps. The commitments we have made are transferred to the Secretary of Agriculture.

Mr. SPRINGER. I wish to thank the chairman for that information and those answers. This information will be very helpful to subcommittee No. 4 of the Judiciary Committee. What we desire, and that which I seek to secure, is an ample allocation of sugar for household use throughout our country and an ample amount of sugar for canning purposes. We must aid in saving the fruit for use in every home in our Nation.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOLCOTT. Mr. Chairman, I yield 8 minutes to the gentleman from Nebraska [Mr. CURTIS].

Mr. CURTIS. Mr. Chairman, when the gentleman from Illinois [Mr. SABATH] spoke on the rule the other day he said:

> I am pleased because some of the gentlemen who are members of this committee and others used to charge that all of the legislation enacted by the so-called New Deal is bad and vicious.

Then he expressed his pleasure over the fact that controls on sugar were being continued.

Controls on sugar may be continued, but there is certainly no pleasure in it and it is not being done because the wartime controls were a good thing. We are having sugar trouble today because of the sugar policy followed by this Government over the last 25 or 30 years. It is because we have not produced sufficient sugar domestically. Whenever we are dependent upon foreign producers for a greater portion of any commodity we will be in trouble in time of national emergency and in time of war.

Few people realize that before the war an American farmer who wanted to produce sugar beets, even though his land was adapted to it, could not get that right. That situation still exists so far as long-range planning is concerned. Our sugar troubles began a long time ago. The situation we are facing today started back when the quota on Philippine sugar was removed in the passage of the Underwood tariff. Up until that time a limit of 400,000 tons on the importation of sugar from the Philippines had been maintained. It was taken off in the Underwood tariff. American Spanish, English, and Dutch capital then moved into the Philippines. The islands became a one-crop economy, perhaps to their hurt. The imports into this country continued until they exceeded 1,000,000 tons. In the meantime the American sugar industry got in a bad way, it was chaotic. They came to the Congress and asked for relief, and we had the Jones-Costigan Act, and later on the Sugar Act under which we are now operating, which put a quota on the production of sugar. Congress said that American farmers could have only a small portion of the sugar market in the United States. We were in that sort of an economy and subject to that sort of control when the war came along. Henry Wallace went up and down the country advocating the discontinuance of our domestic sugar industry.

The people in the territory that I have the honor to represent want to produce more sugar. They have land and water adapted to it. We could easily supply sugar beets for four or five more sugar factories, but the Sugar Act must be removed first.

This Congress in the last session passed the Philippines Trade Act. We established a precedent and said that the Philippine Islands shall have in the postwar future the same share of our domestic market as they had before. This means that all the other off-shore producers, whether Cuba, Puerto Rico, South America, or other foreign countries, are going to insist that they be not cut down. It means a program of only a small portion of our sugar being produced in the continental United States. It is wrong and unwise.

There is something that can be done so we will not always be threatened with a sugar shortage and high prices, and I hope the Committee on Agriculture can keep it in mind when they revise the Sugar Act. We should limit these offshore producers of sugar to the number of tons of sugar that they produced for us in the prewar days. I would go further, but we should limit them that much at least. This means that any additional sugar that we need here by reason of increased per capita consumption should be produced by the American beet and cane producers. It means also that the sugar needed to feed our increased population should be produced here at home. The population has increased from 120,000,000 at the time this program was formulated to approximately 140,000,000 at the present time. You are facing a sugar problem today because we have not been self-sufficient in regard to sugar.

Mr. COLE of Kansas. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Kansas.

Mr. COLE of Kansas. I was very much interested in what the gentleman said particularly in the beginning of his statement. I call the gentleman's attention to the statement I made awhile ago, that this is not a sugar control bill, it is a bill to de-control sugar. The timing element is important.

Mr. CURTIS. Yes; but when you decontrol under this bill you still have the Sugar Act and you still have the Philippine trade bill. You gentlemen who served in the last Congress will recall how the Committee on Ways and Means voted to cut the quota for producers of sugar in the Philippines. This would have helped our domestic producers of sugar and it would have helped the Philippines by preventing their return to a one-crop economy. An attack was made on that action. Editorials were published, and the State Department carried on a campaign, and that action was later reversed.

We have started off again on a program of depending on offshore producers for our sugar. The answer to our sugar problem is more production of sugar within the continental limits of the United States.

Mr. Chairman, with millions and millions of people starving throughout the world, why should rich Uncle Sam go into the markets of the world and buy any food and bring it here? We can best serve the world from an altruistic standpoint by producing our own food. The American market belongs to the American farmer. The Committee on Agriculture should write a sugar program that will provide for the maximum domestic production of sugar. Our increased production of sugar beets in the irrigated West will be welcomed and in the interests of the country.

Mr. WOLCOTT. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Chairman, we have had a clear-cut demonstration here this afternoon of how the President of the United States did relieve this body of mental and perhaps emotional stress and debate amongst ourselves when the President removed controls on numerous things without us having to pass upon them here on the floor of the House, whether it be meat, butter, or anything else. If we had had to pass on those controls, we would have had the same kind of debate with respect to any particular commodity as we have had here on sugar this afternoon. So we can be thankful to the President of the United States because on his own initiative he removed certain controls following the November 5 election and thus took such matters out of the hands of this body.

Secondly, I am going to say something very bluntly here. I am going to talk to you as politicians, Democrats and Republicans. Do you want to decontrol sugar in an election year, a Presidential election year, on March 31 or June 30 or October 31? If you do, go ahead and do it. I am not going to vote for that kind of proposition. That is just about as blunt as I can say it. Many people would say, "That bird is certainly a low-down politician of the first order." I am just being practical about this and realistic about it.

Vote to decontrol sugar on March 31, 1948, and assuming your arguments here are reasonably correct in that the price of sugar is going to rapidly advance, then go home next spring and summer and face the housewives of this country and let them pull the hair out of your head if you have any left—I do not have much left for them to pull. You just try that. Vote to decontrol sugar on March 31, 1948, at the beginning of the heavy sugar consumer period of the year 1948 and as the crops are vanishing on the market and you will take the most encouraging step you ever took in your life to send sugar to 25 or 35 cents a pound, which the housewives of this country will probably have to pay. The time of decontrolling of any commodity is just as important as the matter of decontrol itself. Get that fixed in your minds. If you want to set the natural forces of an economy against the spirit of inflation and speculation, then decontrol as of the date the heavy consuming is over and as of the date the heavy production comes into the market. That is exactly the date selected by this committee, namely, October 31, 1947, and which date I favor.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. In just a moment. If you are not going to decontrol October 31, 1947, I am telling you now you had better not decontrol until 1949. How many of you want to keep controls on sugar until 1949? That is as plain as I can say it.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield.

Mr. GAVIN. What assurance can the gentleman give us that the other body will accept the date you have mentioned?

Mr. CRAWFORD. I am not responsible for the other body, and in no way do I speak for them. I simply point this out: If you will send to the document room, you will get the report of

the committee in the other body, in which they have reported a bill. I have a copy of it before me, Senate Joint Resolution 58. In that they set March 31, 1948, as decontrol period. Why they set it at that date God only knows. I am not speaking politically in that statement. I am speaking because every natural economic argument that can possibly be brought up by anybody—and I will challenge anybody on it—is against decontrol as of March 31. Let me show you why.

Mr. BANTA. That would be any year?

Mr. CRAWFORD. That would be any year. Here is the gentleman from California, or Oregon, or Washington, where sugar is produced; you put control on his farmers who start harvesting their sugar in July or August, and you hold that control until March 31, until they have sold all of their sugar; what assurance do you think he has got of coming back to Congress after a situation like that?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SPENCE. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. CRAWFORD. When is your heavy consuming period on sugar? It runs from about April 1 until about November 1. That is when the people are drawing sugar for every use imaginable in this country in the biggest volume they can get their hands on.

What do you can after November 1, what do you preserve after November 1 of any consequence? Most of your candy for the Christmas trade has been made at that time and is moving into the channels of trade for Christmas distribution. Along about this time, March 15, you are at the lowest consuming period. Then about April 1 you are approaching the beginning of the heavy consuming period. November to April 1 is your low consumption. When do the sugar stocks go onto the market? They come onto the market starting in California in late August or September, and they move across toward the Atlantic seaboard—I am speaking of domestic sugar now—they come into the eastern area, and your heavy domestic continental production comes on in October, November, and December. Before those stocks are exhausted sugars begin to sweep in from Cuba, Puerto Rico, and the Virgin Islands. You are meshing the heavy flow with the low consumption, which says to the speculator, "You had better go slow on speculation, because you may have to carry that sugar a long time, with markets operating as they do sometimes." Your banker may call you up and say to you, "You had better unload some of that sugar. The price might break." The Federal Reserve Board says to the banks, "Do not supply too many credits for speculative loans at this particular time." So October 31 is the date you mesh your low consumption with high production, and dampen down the speculative spirits of your people. Now, go to March 31 again. Your low-consumption period is about past. You are moving into the high-consuming period. Your heavy production is coming to a close. Who holds the sugar, primarily, for the next 5 or 6 months? Cuba. Cuba can wring the purse strings of every housewife in this country during the period April 1 until September or October, when beet sugar is in heavy supply. If you want to go through a summer like that next year, go ahead and do it, but you remember I told you you had better not do it.

Now, this bill says to the people of this country, "Put your sugar house in order." These controls go off next October 31. You will undoubtedly get one from the other body which says March 31. You will have to compromise somewhere or you will have to stand pat, so you had better look out for a roll call on this proposition and you had better make up your mind what you are going to do before you start voting. The committee report from the other body has put in some very strong language. Unless you know sugar you may get your feet tangled up in the bullrushes and get some burs under your arm too. You have got every housewife in the United States wondering what you are going to do about these sugar controls. If I had my way about it as sugar administrator, I would take the tonnage of sugar that is allocated to the United States and I would say to the housewives of this country, "You are going to have a certain percentage of that." I would be quite liberal in that. Having decided the percentages which the housewives are going to get, I would allocate the balance of it to manufacturing consumers of this country and I would not confer a proprietary right on any fellow, it does not make any difference what his historical background is. Mr. A has as much right to operate a business as Mr. B. I would not use the force of the Federal Government to set up Mr. B in business and confer on him any proprietary right exclusive of all of the others.

Mr. JENNINGS. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield.

Mr. JENNINGS. What the gentleman is saying, boiled down to one sentence, is that we had better pass this bill and not monkey with something the outcome of which we cannot foresee.

Mr. CRAWFORD. Yes. And I yield back the balance of my time.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WOLCOTT. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. BUCK].

Mr. BUCK. Mr. Chairman, in view of all the circumstances, I favor the enactment of this legislation.

Mr. WOLCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. EDWIN ARTHUR HALL].

Mr. EDWIN ARTHUR HALL. Mr. Chairman, my interpretation of this bill is that it will give the Secretary of Agriculture an opportunity to show that he is fair-minded in the adoption of a policy which should give the American housewife more sugar. On several occasions when he came before our committee he indicated that more sugar would be available this year. Of course, I went on record long ago as wanting a larger ration of sugar for everybody. I, for one, hope that he makes good his pledge in allowing the average housewife more sugar. Every family ought to have at least 25 pounds more right off the bat.

If there was ever an instance of wastage of food it is certainly at the present time when the farmers and the rank and file of city folks are not able to utilize the food they have been able to gather and purchase by preserving it and do a number of different things with it for which sugar is vitally necessary. I, for one, hope the Department of Agriculture will be more fair in allocating and allotting sugar than the agencies which have been empowered with that duty heretofore. That is the reason I am going along with this legislation today.

Just after the last election a friend of mine of long standing took me by the lapel and said: "This Congress has an opportunity to satisfy and satiate the people of America in correcting this No. 1 fiasco that has been foisted upon the American people — the regulation of sugar."

As elected officials we have the chance now to correct this situation. Give the housewife more sugar and we will all be a lot happier.

There are some who feel this bill leaves too much control of sugar in Government hands. Actually there is just enough to keep big buyers from cornering all our sugar supply, at the same time giving the average civilian and the small businessman a chance to obtain an adequate amount.

The responsibility now rests upon the Secretary of Agriculture. He can give the American people a break if he wants to by assuring us all a fairer distribution of one of the most necessary of all food items—sugar.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WOLCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. MARTIN].

Mr. MARTIN of Iowa. Mr. Chairman, I sought this time to ask for some information from the chairman of the committee, the gentleman from Michigan [Mr. WOLCOTT].

The conclusion of the committee includes the following statement on page 10 of the committee report:

> The committee has further recommended that the Secretary of Agriculture in the administration of the allocation program shall provide for the needs of hardship cases, and for the needs of new users and those having no base-period history. It feels that with the increased sugar available during 1947, over 1946, for industrial users that the reasonable needs of new users, and the reasonable relief of hardship cases including provision of sugar to prevent the wastage of mill and other food products, must be provided for by the Secretary of Agriculture.

Iowa City, Iowa, is the home of the State University of Iowa. It is a city of approximately 18,000 to 20,000 people. The university enrollment has leaped to more than 10,000 students this year and will go even higher next year, whereas the attendance heretofore has been between 6,000 and 7,000 students. Many hundreds of these additional students are married and have brought their wives and children with them. Under

present law adequate provision has not been made for the needs of this increase in population.

My question is: Does this provision in this bill as interpreted in the committee report authorize the Secretary of Agriculture and give him the power and responsibility to make adequate provision for the needs of greatly increased populations in such communities as Iowa City?

Mr. WOLCOTT. I do not know that the bill provides adequately for such a situation any more than under short supply you could make adequate provision for anybody in the United States; but as far as those people are concerned, they would be considered either hardship cases, or rather, let me put it this way, the distributors under those circumstances may make application for increased quotas to meet the demand occasioned by any increase in population. That in itself should be considered a hardship case which the Secretary of Agriculture would have to recognize under the conditions of this act.

Mr. MARTIN of Iowa. He has that responsibility, but that has not been the case under existing law.

Mr. WOLCOTT. He will have that responsibility from now on; yes.

Mr. MARTIN of Iowa. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. WOLCOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. Mr. Chairman, I am quite sure that every Member of this House will agree with me that the primary reason why we find ourselves in this sugar crisis is due to the fact that the price of sugar beets and sugarcane has been held down too low in comparison to other farm products. About a month ago the Governor of the Virgin Islands testified before the Subcommittee on Appropriations for the Department of the Interior, at which time I asked him what would happen to the production of sugar in the Virgin Islands if they were permitted to have an increased price of, say, $2 a hundred on their raw sugar. He said, "We would produce approximately 25 percent more sugar." If the OPA had in the past few years permitted a more reasonable comparative price for sugarcane and sugar beets this problem would not confront us today.

If I had my way we would decontrol sugar right now, or at least permit the price to rise sufficiently to get the necessary production everywhere.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. WOLCOTT. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. FLETCHER].

Mr. FLETCHER. Mr. Chairman, as a member of the Banking and Currency Committee having heard the extensive hearings on sugar, I wish to say that I am very much in favor of the passage of House Joint Resolution 146, by Chairman WOLCOTT.

In my considered opinion, the best testimony of qualified witneses proved that the month of October was the best month to decontrol sugar. With sugar production in 1947 at a high level, I can see no reason to defer decontrol until 1948.

We have seen the pitiful spectacle in this country of the loss of milk, fruit, and other foods, considerable of which have been wasted because of the inability of housewives and new users to obtain sugar. I do not think it is fair to continue to give a monopoly to the present industrial users of sugar. Why should new enterprise be discouraged? Let us not forget that sugar is only one of the many problems in our present economy. I call your attention to increasing unemployment in many parts of our country which could be alleviated by the starting of new enterprises. Our business history is replete with stories of the growth of large corporations from small business beginnings.

House Joint Resolution 146 allows the Secretary of Agriculture to control sugar until October 31, 1947; it allows sugar for hardship cases and new-user cases; and provides inventory controls against hoarding until March 31, 1948. I strongly urge the passage of House Joint Resolution 146.

Mr. SPENCE. Mr. Chairman, I yield such time as he may desire to the gentleman from Louisiana [Mr. LARCADE].

Mr. LARCADE. Mr. Chairman, I rise in support of the resolution under consideration, and usually I yield to my colleague, the gentleman from Louisiana [Mr. DOMENGEAUX], in matters connected with the sugar industry, since he represents the Sugar Bowl district of Louisiana, and I therefore join him in urging favorable action on this bill.

The compromises effected under this resolution in committee are now satisfactory to the producers of sugar in Louisiana, and in that connection I wish to submit copy of a telegram from the officers of the Louisiana Sugarcane League of Louisiana, as follows:

NEW ORLEANS, LA., *March 20, 1947.*

C. J. BOURG,
Union Trust Building,
Washington, D. C.:

Reference decontrol of sugar, have contacted membership, executive and legislative committees. Overwhelming majority opinion strongly endorse definite and complete decontrol sugar October 31, 1947. This action taken in interest of 11,000 sugarcane growers who would suffer irreparable damage if decontrol is made effective March 31 instead of October 31, 1947. Kindly advise Louisiana congressional delegation of the position of our industry.

GEORGE L. BILLEAUD,
President.
MURPHY J. FOSTER,
Chairman, Legislative Commitee.

Mr. WOLCOTT. Mr. Chairman, there are no further requests for time on this side.

The CHAIRMAN. There being no further requests for time, under the rule the Clerk will read the committee amendment which will be considered as an original bill.

The Clerk read as follows:

That (a) notwithstanding any other provisions of law, the Emergency Price Control Act of 1942, (56 Stat. 23); the Stabilization Act, 1942 (56 Stat. 765); title III of the Second War Powers Act, 1942 (56 Stat. 177), and the amendment to existing law made thereby; title XIV of the Second War Powers Act, 1942 (56 Stat. 177); and section 6 of the act of July 2, 1940 (54 Stat. 714), all as amended and extended, shall continue in effect with respect to sugar to and including October 31, 1947, except that authority to continue inventory controls may be exercised to and including March 31, 1948: *Provided, however,* That—

(1) the authority contained herein shall not be deemed (i) to permit the allocation or rationing of any product (other than the allocation of such product imported or brought into the continental United States) unless a regulation providing for allocation or rationing thereof was in effect on February 18, 1947, or (ii) to permit price control over any product unless a price-control regulation with respect thereto was in effect on February 18, 1947;

(2) no person shall be subject to any criminal penalty or civil liability, under any such provision of law, on account of any act or omission which is made unlawful by section 4 of this act;

(3) sections 203 and 204 of the Emergency Price Control Act of 1942, as amended, shall not apply in the case of any regulation or order hereafter issued in the exercise of any power, function, or duty transferred by section 3 (a) of this Act; and

(4) hereafter no person shall be required to secure a license, and no license shall be issued to any person, under section 205 of the Emergency Price Control Act of 1942, as amended, for the purpose of providing for the enforcement of any regulation or order relating to sugar.

(b) Notwithstanding the provisions of any other law, the Secretary of Agriculture, in exercising the allocation and rationing authority transferred to him by section 3 of this act, shall, in a manner consistent with the maintenance of an effective national allocation and rationing program, provide for the needs of hardship cases, for the needs of new sugar users, and for the needs of those who have no base period history.

Mr. WOLCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLCOTT: On page 6, line 17, after "controls", insert "over other than household users."

Mr. WOLCOTT. Mr. Chairman, I have called attention earlier in the debate to the desirability of clarifying this language and, I believe, expressed the fear that unless it was clarified we might unintentionally continue controls over all users through March 31, 1948. It surely was not the intent of the committee when we authorized the continuance of inventory controls to include the householder. It has been suggested that this amendment is the easiest way to clarify it, that is, to restrict it to commercial and industrial users. If we were to use language that it was restricted to industrial and commercial users, of course we would have to define what is a commercial or industrial user, but it is very clear that the inventory controls, if they are going to be continued, should be continued as to everyone but the housewife, the household user. Therefore, probably the most direct approach to the problem is this that by eliminating the household users we include thereby all other users. It is in the interest of assuring that the controls over the allocation of sugar to the housewife for household uses will expire on October

31, 1947, that I believe this amendment should be adopted.

Mr. CHENOWETH. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Colorado.

Mr. CHENOWETH. Do I correctly understand that it is the position of the chairman of the committee that the Secretary should have the authority to ration industrial and commercial users until March 31, 1948?

Mr. WOLCOTT. According to action taken by the committee the inventory control could be exercised to and including March 31, 1948. Believing that it is the intention of the committee to limit inventory controls to industrial and commercial users, I have offered this language to exempt household users, to clarify the intention of the committee in that respect. As I have said, I am afraid that otherwise the Secretary of Agriculture might be justified in interpreting this language to mean that he would have the authority to exercise controls over the amount of sugar the housewife might have in her sugar bowl.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Michigan.

Mr. CRAWFORD. In other words, Government departments have never yet brought inventory controls down to the household?

Mr. WOLCOTT. That is right.

Mr. CRAWFORD. The gentleman's amendment makes the language clear, that there is no intent here that the Secretary of Agriculture shall fuss around with what is in the house?

Mr. WOLCOTT. That is the purpose of the amendment.

Mr. CRAWFORD. It is to restrict it definitely to commercial users?

Mr. WOLCOTT. Yes.

Mr. CRAWFORD. I think the amendment is very proper.

Mr. CHENOWETH. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Colorado.

Mr. CHENOWETH. Would the gentleman have any objection to ending all controls on October 31? Is not that the purpose of this bill?

Mr. WOLCOTT. Yes; I think I do have some objection to that.

Mr. CHENOWETH. I intend to offer an amendment when this amendment is disposed of.

Mr. WOLCOTT. I shall have an opportunity to explain my objection when the gentleman offers his amendment.

Mr. SPENCE. Mr. Chairman, we have no objection to the amendment and think it should be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. WOLCOTT].

The amendment was agreed to.

Mr. WOLCOTT. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLCOTT:

On page 7, strike out lines 7 to 11, inclusive, and insert the following paragraphs:

"(3) no provision of section 204 (d) or (e) of the Emergency Price Control Act of 1942, as amended, shall apply (i) in any proceeding, involving a regulation or order with respect to sugar, in which an injunction or other order of a court is hereafter applied for, or (ii) in any proceeding under section 37 of the Criminal Code, which is based on a conspiracy involving any act or omission which is made unlawful by section 4 of this act;

"(4) in the case of any regulation or order with respect to sugar, no protest may be hereafter filed under section 203 of the Emergency Price Control Act of 1942, as amended."

In line 12, strike out "(4)" and insert "(5)."

Mr. WOLCOTT. Mr. Chairman, this language is suggested by the legislative counsel to more clearly define what is intended. It is intended by the language in section 3 on page 7 to do away with the protest procedure now provided for in the Emergency Price Control Act with respect to violations or procedure after the effective date of the bill now under consideration.

It is our intention under this bill to eliminate the Emergency Court of Appeals in the participation in the reviews of violations under this particular bill. The Emergency Court of Appeals was set up to handle a situation which might arise wherein, because of a multiplicity of suits involving hundreds of thousands of commodities, chaos might result from even trying to enforce the price control laws.

At the time the OPA was administering controls over hundreds of thousands of commodities, it was essential, and you will recall that many of us predicted it here on the floor for some years. But there is no longer any need for continuing the cumbersome machinery under which these reviews are made in respect to price control regulations because the activity of the OPA is now pretty much narrowed. After the effective date of this act the OPA and the machinery for the enforcement of OPA regulations will no longer be in existence in respect to sugar controls and they should not be continued after the effective date of this bill because there would then be a conflict of jurisdiction.

As I stated before, the legislative counsel has suggested this language which I have offered to define more clearly our intent. In other words, he puts it in somewhat better language from the legislative point of view.

The CHAIRMAN. The question is on the committee amendment.

The amendment was agreed to.

Mr. CHENOWETH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. CHENOWETH: On page 6, line 16, after the figure "1947", strike out the remainder of the line 16 and all of lines 17 and 18 to the word "provided."

Mr. CHENOWETH. Mr. Chairman, there seems to be considerable confusion over the meaning of the provision I am seeking to strike from the bill by the amendment I have offered. No one can tell the House just what control the Secretary of Agriculture will have over sugar after October 31, 1947. My amendment will stop all controls over sugar on October 31 of this year.

The bill before the House has for its purpose the termination of the sugar rationing program, including the control of prices over sugar, as of October 31, 1947. My amendment, if adopted, will leave no doubt as to the effect of the bill.

The gentleman from Michigan [Mr. CRAWFORD] who addressed the House a few minutes ago, and who is an authority on sugar, made a strong argument for the amendment that I have offered. It is admitted that no one knows what the Secretary of Agriculture would do with this power to continue inventory controls. I have never heard it satisfactorily explained why he should have these powers. It is conceded that October 31 is the proper date to decontrol sugar, as we will then have a full inventory of sugar. This is the period when the candy manufacturers of the country will be anxious to make some Christmas candy. I am not particularly happy about the proposal that the Secretary of Agriculture, or any other Government official, should have the power to say how much sugar any industrial user of sugar should have on hand. I am thinking of the small candy makers, bakeries, soft drink bottlers, ice cream plants, and others affected. I want to see them get adequate sugar, which I am sure will be available. They are certainly entitled to this consideration.

Unless my amendment is adopted, I submit that you are giving the Secretary of Agriculture full power to continue the sugar program for industrial and commercial users until March 31, 1948. The control of inventories is all that he needs to regulate all industrial users of sugar.

We virtually continue the rationing of sugar until March 31, 1948, so far as these commercial users are concerned. I am opposed to any such extension.

Mr. Chairman, I am disappointed that we have to pass this legislation at all. I am ready to support this bill and continue the sugar program until October 31, the date set by the committee, but I am not willing to leave a loophole whereby sugar rationing of any type can be continued beyond that date. Congress should determine when sugar controls will be abolished and not leave this decision up to the Secretary of Agriculture, or anyone else.

I am seeking to strike the following language from the bill:

That authority to continue inventory controls may be exercised to and including March 31, 1948.

The gentleman from Michigan, the chairman of the committee, considered this language so broad and far-reaching that he offered the amendment eliminating housewives from being included under these inventory controls. However, this provision still applies to all other users of sugar, and in effect continues controls until March 31 of next year. In other words, instead of abandoning sugar rationing and controls on October 31, as we have been led to believe was the purpose of this legislation, we are in fact extending controls over certain users of sugar for 6 months beyond that date.

I submit, Mr. Chairman, that we should adopt my amendment. I hope

it will have your approval and that we will end all sugar controls on October 31, 1947. The Secretary of Agriculture should have no inventory control or any other jurisdiction beyond that date. The only logical and reasonable conclusion we can draw from the discussion and debate this afternoon is that it is the purpose of this bill to end all sugar controls on October 31. I know the committee has given careful consideration to the entire sugar situation and is recommending the continuation of rationing and price control a few months longer. Personally, I do not believe the dire predictions of those who contend that chaos would result if these controls were removed at this time. I still have faith in the ability of our producers and distributors of sugar to see that a fair distribution is made. However, I am willing to continue price ceilings on sugar for a few months longer, but I certainly want to protest against the continuation of all controls over sugar, whether by the inventory method or some other ruse, beyond October 31 of this year. Let us make up our minds whether we want to terminate sugar control on October 31, 1947, or on March 31 next year. It seems to me the consensus of opinion is that it should come to an end on October 31, this year. If that is true, let us say so in plain language; in language that those administering sugar controls will understand. In order to avoid confusion and remove all doubt of our intention I urge the adoption of my amendment.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. CHENOWETH] has expired.

Mr. BOGGS of Louisiana. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, earlier this afternoon in the general debate I spoke out without qualification in favor of the October 31, 1947, date, as the best date for the removal of controls on rationing and price. However, I feel that if we were to adopt the amendment that has just been suggested by the gentleman from Colorado [Mr. CHENOWETH], which would remove inventory controls as of that date, it would be almost impossible to decontrol sugar as of October 31, 1947. I say that advisedly. This fact must be borne in mind: While on October 31, 1947, we will know exactly what the sugar supply will be for 1948, we still will not have the sugar stocks on hand, so that we still must wait a period of months before the crops from the Virgin Islands, Puerto Rico, and Cuba start reaching the mainland. If we were to decontrol as of October 31, 1947, on the inventory, we would have the same mad scramble among the big industrial producers that we might anticipate if we decontrol as of this date or as of March 31, 1947.

In addition to that, the amendment just offered by our distinguished chairman [Mr. WOLCOTT] very well clarifies the intent of this bill so that the people we principally want to help, that is, the housewives of America, will not be affected by inventory control. The amendment offered by the gentleman from Michigan [Mr. WOLCOTT] would adequately protect the housewives as of October 31, 1947. But if we remove inventory controls and allow the big industrial users, who occupy a favored financial position, to go out and buy up the most outrageous inventories, then the price of sugar is bound to skyrocket. There are only four or five gigantic sugar users in the United States when you talk about big sugar users. If you put them in a position where they can buy large inventories, then the price of sugar will skyrocket beyond what the gentleman predicted a little while ago, and we are bound to have what the gentleman said, an effort on the part of those who want to continue controls to come back and say to us, "See what happened. Let us put the controls on again."

Therefore, I hope the amendment will be rejected.

Mr. CHENOWETH. Mr. Chairman, will the gentleman yield?

Mr. BOGGS of Louisiana. I yield.

Mr. CHENOWETH. In effect, the gentleman is arguing now to continue it.

Mr. BOGGS of Louisiana. No; I am not.

Mr. CHENOWETH. Practically, what you say continues the rationing of industrial sugar until March 31, 1948.

Mr. BOGGS of Louisiana. No; it does not.

Mr. CHENOWETH. If you control the inventory you control everything.

Mr. BOGGS of Louisiana. No. The committee amendment is very specific. The housewives will not be affected by the inventory control.

Mr. BROWN of Georgia. Mr. Chairman, will the gentleman yield?

Mr. BOGGS of Louisiana. I am glad to yield to my distinguished fellow committeeman.

Mr. BROWN of Georgia. Without inventory control to March 31, 1948, of course, the housewives would get less sugar.

Mr. BOGGS of Louisiana. Exactly.

Mr. BROWN of Georgia. Industrial users will hoard the sugar.

Mr. BOGGS of Louisiana. Exactly.

Mr. BROWN of Georgia. They certainly will not be placed in a favorable position by this amendment.

Mr. BOGGS of Louisiana. The gentleman is correct. The result will be that the industrial users will hoard all the sugar and the housewives get none of the sugar, and those who want to continue control of sugar will be able to come down here and make out a good case.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. GAVIN. Mr. Chairman, I rise in support of the amendment of the gentleman from Colorado [Mr. CHENOWETH].

Mr. Chairman, I have listened with a great deal of interest to the debate here today on sugar, and the committee have reported out a very fine bill. I feel, however, that all controls on sugar should be definitely eliminated on October 31, 1947. In the past we have listened to discussions as to the decontrol of oil, then we listened to discussion on the decontrol of meats and the dire consequences in event of decontrol but nothing happened. Now it is this emergency and that emergency—always an emergency. The time has now come when the American people are asking relief from restrictions and regulations controlling and strangling business, restrictions and regulations that have killed the free flow of trade. I am asking the Members of this House whether we are going to degenerate this Government into some sort of bureaucratically controlled government, or are we going to return to free enterprise, placing the business of the country in the hands of the American people where it rightfully belongs? It is time to end all controls. There are 140,000,000 people in this Nation and we built without question the greatest productivity the world has ever known. Let me tell you, Mr. Chairman, it was not built by control, restriction and Government regulation. It was built by the American way. It was built by initiative, courage, determination, energy, resourcefulness and hard work, we have built a great producing Nation of agriculture and industry, the envy of all the world. Let us now discontinue these controls that are strangling the free flow of trade and crucifying our system of free enterprise. Further controls are unnecessary and should be discontinued.

I am going to support the amendment offered by the gentleman from Colorado.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Ohio. Mr. Speaker, I move to strike out the last word and ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Ohio is recognized for 8 minutes.

Mr. SMITH of Ohio. Mr. Chairman, let us once and for all clear up the question as to how the International Emergency Food Council is given the power to put the sugar produced and acquired by the United States into an international pool and thence ration out of that pool back to the United States an amount of sugar it determines to be our proper share, and let there be no equivocation about it.

Referring specifically to the source of the power exercised by the International Emergency Food Council to assume this function, I asked Mr. James H. Marshall, Director of the Sugar Branch of the Department of Agriculture, to state specifically who has the power to bind the United States to this international program and whether legal authority existed for it. He replied that the power is vested in the President and the authority for it exists in title III of the Second War Powers Act.

However, I am informed by counsel, the most competent on the Hill, that Mr. Marshall is mistaken in his position; that the authority which the President exercises in delegating to the International Emergency Food Council the power to place American sugar in a world pool and arbitrarily allocate back to us whatever it believes we are entitled to is not provided in article 3 of the Second War Powers Act, and that they can find no specific authority for it.

Now, the gentleman from Michigan [Mr. WOLCOTT], chairman of the committee, has made a statement that

this power is somehow inherent in the President's powers to conduct the foreign affairs of the Nation. I want to challenge that statement. I do not believe the Constitution ever intended to vest any such power as we are here considering in the President of the United States. If the President has authority to exercise, or delegate to an international body the power to tell the people of the United States what portion of the sugar they produce and acquire must be exported to other nations and what part they may be permitted to consume themselves, then the President of the United States has the power to do this with respect to every other article we produce in the United States. Now, who is going to rise in his place and say the President of the United States has that power under the Constitution?

I pause. I want to see if there is any one on this floor who will rise in his or her place and say that the President of the United States has this power under the Constitution. No one rises and, of course, none can.

What I want to get across to the Congress and to the country is that even though all control over domestic rationing of sugar is repealed, we will still have rationing by the body known as the International Emergency Food Council, and that except for that international arrangement the people of the United States today would probably have all the sugar they want.

Let us tell the people the truth. They should know why they are unable to get more sugar and they should know that the blame for this is upon the Congress of the United States. Congress has the power to correct this condition.

One more point. The attempt is being made to give the impression there is nothing compulsory about this international arrangement, that the international group is only an advisory body. Whether that is true or not it has nothing to do with the question I am raising. The point I make is that the President of the United States has no power under the Constitution that authorizes him to accept any recommendation made by the International Emergency Food Council or to deal in any manner with an international body to set up this scheme.

Mr. BROWN of Georgia. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Ohio. I yield to the gentleman from Georgia.

Mr. BROWN of Georgia. The gentleman does not take the position that any sugars produced in the United States are sent to foreign countries, does he?

Mr. SMITH of Ohio. Oh, no. I simply say that the sugar we produce and the sugar we acquire is placed into an international pool, and from that pool is allocated back to the United States by this international body whatever amount of sugar it believes proper.

Mr. BROWN of Georgia. I wish to say that the sugar produced in the Hawaiian Islands, the Philippine Islands, Puerto Rico, and the United States is consumed in this country and not sent to foreign countries. It is true that we do purchase all the sugar in Cuba. It is contracted for in order to keep down unjust amounts to be paid for the sugar, with the understanding that we will allot out of that amount a certain portion to foreign countries, like old customers of Cuba, but the sugar produced here as well as in Hawaii and Puerto Rico is consumed here and none of this sugar is sent abroad.

Mr. SMITH of Ohio. The gentleman's argument is entirely beside the point. What I stated is a plain simple fact and it is there for anyone to see who cares to.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FOLGER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we on the Committee on Banking and Currency have been listening to witness after witness. Most every problem of our economy has been represented by the testimony that has been given. I want to pay a tribute to the large users of sugar, in all cases except one, in that they favored the bill as presented by the chairman of the committee in the first instance, to which I am adhering in thought. I really believe that when we substituted another bill for it we made a mistake. But if we add to that the lifting of inventory controls on the 31st of October instead of extending them to March 31, 1948, the result, in my opinion, will be that the small users of sugar and the housewives of this country will find no sugar. It will all be taken by the large purchasers who are able to pay higher prices and have easier access to making sugar contracts. This will be an absolute disaster to the housewives and the small users of sugar in this country, in my judgment, which I have formed from listening carefully to about 100 people.

Mr. CHENOWETH. Mr. Chairman, will the gentleman yield?

Mr. FOLGER. I yield to the gentleman from Colorado.

Mr. CHENOWETH. In one breath the gentleman praises the large industrial users of sugar and in the next breath he expresses a suspicion that they will deprive all the rest of the country of sugar.

Mr. FOLGER. They admitted that they could get it, but they did not want the opportunity and did not want to get into a scramble for it.

Mr. BOGGS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. FOLGER. I yield to the gentleman from Louisiana.

Mr. BOGGS of Louisiana. Is it not a fact that all the large industrial users asked us to continue inventory controls until March 31?

Mr. FOLGER. Except one. The gentleman remembers that one, does he not?

Mr. WOLCOTT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think we have to be realistic about the situation. I do not think anyone desires to see these war controls come off any sooner than I. I think the position of many of us is pretty well known, that it is our purpose to take them off as quickly as we can with as little shock to our economy as possible. This bill as it is written at the present time would authorize and provide for gradual decontrol, with little or no shock to our economy, and with little or no economic or political shocks which might be incident to or the result of taking them off prematurely.

I would rather put myself in the position of encouraging somebody else, some administrator, to take the responsibility for not getting sugar to the housewife after October 31 than I would take it myself. Surely the only harm is going to be possible harm to the housewife following October 31. No one else can be harmed by the continuance of inventory controls except the housewife. We are confronted with this problem. If the housewife is harmed by reason of industrial users operating in open competition with her; if inventories held by industrial and commercial users are built exceptionally high in October, November, and December against demand for candies, beverages, and everything else that is made of sugar, incident to the Christmas trade, I want the fault to lie in the administration of the law and not in the legislation itself. By October 31 people will be looking to December 25. The period between November 1 and Christmas is a period in which industrial and commercial users probably make, distribute, and market more candy than they do in any other period of the year.

Of course, there will be a tendency for them to, regardless of price, bid up every pound of available sugar on October 31 before the beet crop comes on the market, and, I believe, before the cane crop comes on the market, at a time when the inventories may be somewhat lower than you now expect them to be, because of a partial failure of the Cuban crop and because of a partial failure of the Hawaiian or Puerto Rican crop. We do not have any assurances that they are going to be up to the estimates, but surely we want to provide a hedge against crop failures to the point where the housewife is going to be assured of her proportionate share, her just and equitable share of sugar after October 31 and until such time as the new crops do come in. The only way I can see for us to do it and give her assurance that she is going to get her equitable share of these stocks is to give somebody the authority to tell the industrial users that they shall not at any time have more than a certain amount of sugar on hand in their inventories.

Mr. CHENOWETH. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Colorado.

Mr. CHENOWETH. The gentleman is telling the House now that you are not discontinuing the rationing of industrial sugar on October 31, but are going to continue it until March 31? No other conclusion can be drawn from the gentleman's statement.

Mr. WOLCOTT. I think the gentleman is correct. I may say to the gentleman that my bill originally provided for the continuance of these controls until March 1, 1948. I think I had a pretty good provision in the bill. I provided that the Secretary of Agriculture before October 15 would make his finding in respect of the necessity for continuing the controls after October 31. If he made this finding according to certain standards which we set up in the bill, then he

could continue them, even the inventory controls, beyond October 31, but not later than March 31. I think that is better language, but in my opinion on the basis of the practical situation we must defeat the amendment which the gentleman has offered.

Mr. CRAWFORD. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. WOLCOTT] may proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOLCOTT. I yield to the gentleman.

Mr. CRAWFORD. I have asked for this time so that I could ask my chairman a question. Let us be fair to everybody about this and let us be clear about it. If the Government of the United States says to corporation A, "We no longer have any control over the amount of sugar you use but are simply going to say you must not have on hand more than 5,000 bags at any one time," in doing that the Federal Government does not limit the amount of sugar that can be used and, therefore, the Federal Government does not restrict the quantity of sugar that the corporation can use or exercise rationing power. It is an inventory control power—an inventory beyond which you cannot go. Does my chairman agree with that proposition?

Mr. WOLCOTT. I must admit that the inventory controls contemplated after that date would not be as restrictive as the controls under the power which the Secretary of Agriculture will have up to October 31. If the Secretary of Agriculture by regulation says that this corporation A, to which the gentleman has referred, shall not have more than 30 days' supply of sugar on hand at any one time in his inventory, of course, there is little to prevent that corporation A from sending its employees out into the open market and picking up 5 pounds at a time here and there for the corporation's use. That is, at least some restriction on this practice and that is some guaranty that the housewife is going to get her equitable allotment of this sugar.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. CHENOWETH].

The question was taken; and on a division (demanded by Mr. CHENOWETH) there were—ayes 30, noes 115.

So the amendment was rejected.

Mr. GAMBLE. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. GAMBLE: On page 7, line 24, after the word "history", insert a new subdivision (c):

"Nothing herein shall restrict the import of products of consumer size containers of not more than 3 pounds net each or more than one-half United States liquid gallons each, providing importers of such products shall obtain certification from the proper Government officials of the exporting country that products so shipped shall have been produced out of domestic quota sugar."

Mr. GAMBLE. Mr. Chairman, during the war certain American-owned companies at the request of the United States Army and with priorities granted by the United States Army, I am informed set up production facilities in Cuba for the production of certain food products, required by the Army, particularly guava jelly, to get vitamin C for the Army. They have now converted these facilities to the peacetime production of civilian consumer food products and are at the present time manufacturing jellies, jams, and certain types of sirups.

Cuba has been allocated out of the 1947 crop of sugar 740,000 tons, for Cuba's domestic use and for trading purposes with various South and Central American or other countries. Testimony before the committee disclosed that approximately 150,000 tons of this sugar is necessary for direct domestic sugar consumption in Cuba. This leaves a surplus of 590,000 tons available for sale, manufacture, and conversion, through consumer products, during the year 1947. This surplus is equivalent to over a billion pounds of refined sugar. Where does this sugar go? Some of it comes into the United States ex-quota in the form of jellies and jams, but due to import restrictions here in the United States, and an attempt to prevent diversion and maldistribution to industrial users in the United States, a great portion of this available tonnage of sugar-containing products goes to Europe and other foreign markets ex-quota.

The amendment which I have offered will give to the American consumer a part of this tonnage in sugar products now going to other countries. We cannot get all of it, naturally. Some of it is and must be sold and/or traded by Cuba for products necessary for her economy. In order to stabilize labor conditions, combat agitation, and control the inflationary spiral, the Cuban Government has planned to sell a part of this sugar for the manufacture of sugar products in Cuba at a cost to the purchaser of 2 or 3 cents above the low favored American price for raw sugar.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. GAMBLE. I yield.

Mr. AUGUST H. ANDRESEN. As I understand it, this product that the gentleman is proposing to have shipped into this country is made out of sugar that is retained in Cuba or some other country and is not chargeable to the amount of sugar, that is, the quota that is turned over to the United States for American consumption?

Mr. GAMBLE. That is correct. It has no connection with the United States quota. It has only to do with the quota allocated to Cuba out of the Cuban production. Ex-quota, I believe they call it.

Mr. AUGUST H. ANDRESEN. Of course, that would apply to other products. Beverage companies could buy their sirup, made out of that same Cuban sugar quota, and ship the sirup into the United States without having it charged to the American quota?

Mr. GAMBLE. Yes; ex-quota if they bought the sugar at a price over the price the United States pays for the sugar. But under the terms of this amendment they could only buy it for export in small containers of not more than 3 pounds each which would not be commercially or economically sound.

Mr. AUGUST H. ANDRESEN. Should an American citizen go to Cuba or Mexico and buy 10 or 15 pounds of sugar, does the gentleman's amendment provide that that sugar can be brought into the United States without surrendering ration stamps?

Mr. GAMBLE. No; it has nothing to do with that situation, but I know it is being done right now. That is, sugar is being brought into this country by American citizens without producing ration stamps.

Mr. AUGUST H. ANDRESEN. No. You cannot do it now.

Mr. GAMBLE. You can if you take the chance and get away with it.

But let me finish, if I may.

The money obtained from these sugar sales is used by the Cuban Government to purchase foodstuffs for the Cuban population.

Here is a potential supply of sugar for consumer use such as sirups and other low-cost items, and it would go far toward relieving the pressure on the American consumer for additional sugar. Testimony before the committee states that at least 250,000 tons of this sugar can be readily released for the manufacture of sugar-containing products and sirups for shipment to the United States. Reduced to simple terms this means that every American family would be able to obtain and purchase at least 12 pounds more of sugar products and sirups during the next 7 to 9 months of peak demand. It only requires that import permits be granted by the United States for that purpose. At the present time jellies, preserved fruits, coconut, and so forth, made in Cuba out of the Cuban sugar quota, are now shipped into the United States with permits. They are made by these same companies. These sirups are now on the restricted list of sugar-containing items which are prohibited from being imported under the regulations of the Sugar Branch, Department of Agriculture. I believe this is discriminatory under War Food Order No. 63. This order has been issued on the theory of some economists in the Department, that if this surplus of Cuban-manufactured sirups, on quota, were allowed to come into this country it would upset our economy. I repeat, the Department believes, apparently, that jams and jellies will not upset our economy but that sirups will. It just does not make sense.

This amendment would allow these sugar-containing products and sirups to be imported.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CRAWFORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am in favor of the amendment offered by the gentleman from New York [Mr. GAMBLE] not so much by what he had to say with reference to Cuban products but by the effect

that amendment will have on products produced by citizens of the United States, residents of Puerto Rico. By that I mean the Puerto Ricans. Puerto Rico is a sugar-producing area. There is allocated to Puerto Rico for household and industrial uses a given tonnage of sugar. We allow Puerto Rico to say how that shall be used. They make their own division down there between household and industrial users. It does not affect directly the quota of sugar allowed to the people of the United States.

If Mr. A, a Puerto Rican, takes that sugar and puts it into citron, sugared citron by preserving it, or candied citrus peel, fruits, we will call it, and sends the citrus peel or the citron to the United States, you receive it here in the form of candied products; it gives you sugar in that form and actually adds to your sugar supply just as this proposition would add to your sugar supply as it comes out of the quota assigned to Cuba under the Cuban sugar contract between Cuba and the United States.

Keep this in mind, Puerto Rico is an insular possession of the United States. We have got to underwrite the insular treasury. We send millions and tens of millions of dollars to Puerto Rico in the form of relief funds. Why under the sun do we refuse to let Puerto Rico take their sunshine and their natural fruits and peels and sugar them with the sugar they produce there, convert it through industrial processes, give their people employment, put it into the form to which I have referred, and then say to them they cannot send it to the United States without surrendering sugar stamps? This fight is up now between the Department of Agriculture and the Committee on Insular Affairs, and we are trying to induce the Department of Agriculture and OPA to let the sugar products produced by American citizens in Puerto Rico come into this country without our wholesalers or jobbers being forced to surrender sugar stamps.

The gentleman's amendment has been argued in favor of Cuba. Let the Cuban people do likewise if they want to take their sugar now and put it into preserves, jellies, and jams and send it to us, let them do it, and do not charge them sugar stamps. That is the point the gentleman is making, and with that I agree. But if you people want to protect the taxpayers of the United States with respect to sending relief funds to Puerto Rico, get hold of Mr. Marshall at the Department of Agriculture Sugar Branch and tell him to let these Puerto Rican products come in here without surrendering sugar stamps on the equivalent sugar in those products when they arrive here in these packages shipped to large industrial users like hotels and restaurants.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield.

Mr. CURTIS. Prior to the holidays I received complaints from retailers in this country that manufacturers of candies and confections in this country could not fill their orders but they could buy foreign-produced candies and so forth.

Mr. CRAWFORD. That is correct.

Mr. CURTIS. Will not this amendment offered by the gentleman from New York accentuate that problem?

Mr. CRAWFORD. No, it does not accentuate it for the reason that in the agreement to purchase sugar Cuba reserves the right to allocate to her people for home consumption, industrial and export use, so many tons of sugar, and having made that allocation as of the date we entered the agreement for the purchase of Cuban sugar they have that sugar reserved. If they want to ship that sugar up to us in manufactured products let them do it, paying the tariff, of course; we get that much more sugar.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield.

Mr. HILL. The point I am interested in in this matter we are speaking about of shipping manufactured food products into this country, will these products come up to the standards set by the Food and Drugs Act?

Mr. CRAWFORD. It may or may not, I am not debating that, I cannot answer that. That is up to the control authorities.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAWFORD. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SPENCE and Mr. BOGGS of Louisiana rose.

Mr. CRAWFORD. I yield first to the gentleman from Kentucky [Mr. SPENCE].

Mr. SPENCE. This amendment was never considered in the committee. I should like to know what effect it will have. It seems to be a special treatment to particular users. There is an axiom in law that hard cases make bad law. I do not see how we are going to meet all the contingencies that may arise to result in injustices under this act; it seems to me this matter is of sufficient importance that it should have been considered by the committee and testimony taken on it.

Mr. CRAWFORD. I now yield to the gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS of Louisiana. Do I understand this amendment to permit the importation of liquid sugars?

Mr. CRAWFORD. I do not think so.

Mr. BOGGS of Louisiana. Do I understand it to permit the importation of molasses and sirups?

Mr. CRAWFORD. In consumer-sized packages containing sugar chargeable to the reserve quota held back by Cuba. Suppose it did; we are getting the benefit of it.

Mr. BOGGS of Louisiana. But is it not possible, though, by the use, for instance, of the ionic interchange procedure whereby you convert molasses to sugar in a liquid state rather than a granulated state, for the man who has the process to do that to get an advantage over the man who does not?

Mr. CRAWFORD. It is in those small containers for personal use. This debate does not enter into the tariff question whatever. It has to do with the allocation of sugar quotas.

Mr. BOGGS of Louisiana. I am not talking about the tariff question; I am talking about the rationing question. If it is just as easy to use liquid sugar as it is to use granulated sugar, do you not give a man an advantage over his competitors?

Mr. CRAWFORD. But the point is that it is being charged to the Cuban sugar rationing quota, and if you want to give up 5 pounds to that quota and give to me, bring it over, and I will take the sugar.

Mr. BOGGS of Louisiana. But he gets that additional advantage.

Mr. CRAWFORD. Does the gentleman mean the domestic consumer here?

Mr. BOGGS of Louisiana. Yes.

Mr. CRAWFORD. Or the housewife.

Mr. BOGGS of Louisiana. No; the industrial user.

Mr. CRAWFORD. I did not understand that this covered the industrial user.

Mr. GAMBLE. Mr. Chairman, if the gentleman will yield, restricting the size of the container would not be advantageous to the industrial user but to the individual.

Mr. CRAWFORD. The economics of it is this; by the time the industrial user acquires those small containers and converts them into his process, the cost will be very prohibitive against the other side of the proposition, at least, I think so.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from California.

Mr. MILLER of California. What effect will this have upon the candy manufacturers of this country?

Mr. CRAWFORD. If the local manufacturers use it, that would be up to them.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BOGGS of Louisiana. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent that the Clerk again read the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk again read the amendment.

Mr. BOGGS of Louisiana. Mr. Chairman, I rise in opposition to the amendment. The amendment may possibly have some good purpose, but in the first place it was never considered before our committee, and I think that it has a very definite danger.

Mr. GAMBLE. Mr. Chairman, will the gentleman yield?

Mr. BOGGS of Louisiana. I yield to the gentleman from New York.

Mr. GAMBLE. I offered the amendment before the committee, and I discussed it at length. One gentleman appeared before the committee, and it was the last man who testified before the hearings were closed. Unfortunately, the gentleman from Michigan [Mr. WOLCOTT] and I were the only ones there.

Mr. BOGGS of Louisiana. I apologize to the gentleman.

Mr. WOLCOTT. I withdrew the amendment. There was no vote, but it was offered.

Mr. BOGGS of Louisiana. I am sorry I was not present when it was offered. I want to point out to the House the danger of this type of amendment. In the sugar trade they have recently developed a process whereby you can produce what is called liquid sugar. This bypasses all of the usual procedures of processing and refining. You take your molasses or whatever the base product is and you come out finally with a product that has the same essential chemical ingredients as granulated sugar. I believe, without being too familiar with the amendment, because as I say I was not there when it was discussed before the committee, that this amendment could possibly achieve that result, and if it does that it is invariably going to give the man who has the process and who is able to utilize this method of using sugar an advantage over a man who has to go into the open market and buy granulated sugar, and by the same token it would discriminate against the housewife who must use granulated sugar on the table. Therefore, I think that this amendment has a considerable amount of danger, not having been fully considered, and without knowing just the full implication.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. BOGGS of Louisiana. I yield to the gentleman from Michigan.

Mr. CRAWFORD. This amendment, I believe, refers to a 3-pound container. Does the gentleman recall the weight of a 1-gallon container of liquid sugar?

Mr. BOGGS of Louisiana. No; I do not.

Mr. CRAWFORD. Well, I would not be too certain, but I would guess around about 10 pounds per gallon; in other words, let us think in terms of one-third of a gallon container. Suppose I am a fellow who is using sugar in sirup form in my process, and I import sugar from Cuba in that form in one-third gallon containers, I have got to pay for that special packaging while my competitor can purchase sugar with his ration stamps on a hundred-pound basis; a 100-pound bag, for instance. I would be at an economic disadvantage which, in my humble opinion, I could not possibly overcome.

Mr. BOGGS of Louisiana. I think that is true in normal times, but in these times when demand for sugar products is so tremendous I do not believe it is true. We had an illustration of that in New Orleans about 6 months ago, when the Federal Government auctioned off some ration-free sugar, price-control-free sugar, and it brought 26 cents a pound; so that I believe this amendment might very well work to the competitive advantage of the companies which are able to use liquid sugars in place of granulated sugars. Therefore, I would be inclined to vote against the amendment.

Mr. CRAWFORD. If the gentleman will yield further, the very controls which we now exercise place the producer in a position to put sugar into a product and sell it on the basis of 26 cents per pound sugar equivalent, because the housewife is forced to go to the baker and pay 80 or 90 cents for a pie and a dollar and a quarter for a cake, and those who buy sweetened products that go into ice-cream mix, for instance, are forced to pay the equivalent of 25 or 35 cents a pound for sugar right now. That is the reason I do not get so excited about talking in terms of the price of sugar at 15 cents a pound, and I favor the lower price as against the higher.

Mr. BOGGS of Louisiana. That was exactly my point in my answer to the gentleman a moment ago, when he said that the man who imported the candy sirup would not be able to compete because of the additional cost. I say that in this day and time cost is no consideration. I firmly believe this amendment could give a great competitive advantage. It has been done before. Last year one of the great beverage companies of this country converted thousands and thousands of tons of molasses into liquid sugar and made pop out of it, and did not produce one single ration coupon. This year they stopped that practice. Under this amendment that thing could happen again. I hope the committee will not discriminate in this manner.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GAMBLE].

The question was taken; and on a division (demanded by Mr. GAMBLE) there were—ayes 69, noes 62.

So the amendment was agreed to.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, let me compose a direct inquiry to all the Members who are in Committee this afternoon: Have you ever been sued by the Government of the United States? It is not a very pleasant experience. When a United States marshal comes and serves process and makes you the defendant in an action in which the Federal Government is the complainant, you appreciate at once that behind that complaint there is the Treasury of the United States. Uncle Sam never relents. No amount of impatience and no delay in time is going to make a lot of difference when Uncle Sam becomes the complainant in an action against you.

We had many complaints under OPA, thousands of them. Then, one day, thousands of commodities were decontrolled, but the actions at law that were pending were not decontrolled. They are still there.

I sent a note to Mr. Remy, the enforcement officer of OPA, recently, and I found that as of October 31, 1946, there were pending in connection with decontrolled commodities, mind you, for which any action is no longer a violation, 45,131 actions of all kinds against citizens of the United States of America. In addition thereto there were pending 21,624 actions of all kinds with respect to commodities that were still under control. These figures include actions, investigations, anticipated actions, and complaints.

I respectfully submit to the membership this afternoon that when a commodity was decontrolled, why not give the little merchants, the small industrialists, the humble citizen in all the 48 States of the Union, the benefit of the doubt and say, "Now that the commodity has been decontrolled we will also decontrol the action that is pending against you."

As a matter of fact, the OPA is investigating many of them right now because they carry in this summary 4,184 cases that are under investigation. There are 11,022 cases that are awaiting disposition. The number has diminished somewhat since that time, but the net fact is that in every one of the 48 States of the Union there are people who are within the shadow of Uncle Sam's heavy hand and his courts today for something that was done which was a violation or an alleged violation when control was in effect but which is no violation today. I would like to give them the benefit of the doubt.

At the end of this bill I shall offer a very, very simple amendment. It says simply this:

> That notwithstanding the provisions of the OPA act, the administration shall not institute and he shall not maintain nor shall any agency of government—

And that means the Department of Justice—

> institute or maintain any action that arose out of the sale of a commodity with the exception of sugar, rice, and a rent receipt.

So we make those exceptions because they are considered for continued control. Some of them may be continued as in the case of sugar.

But with respect to these other commodities, why not give the humble citizenry, the little lady who sells a hat for 39 cents over the ceiling, who is in the toils of the law today, and the grocer who sold a can of baked beans for 5 cents more than the list price and who is in difficulty because somebody filed a treble damage action—as I say, why not give them a chance? Let us do something about it. I hope this amendment is in order.

I have not asked the Parliamentarian of the House about it. The chairman of the committee has been very gracious about it. We have discussed it. It was not presented to the committee for the reason that I have been so busy myself with appropriations work and with the budget committee work that I frankly did not have the time. But I wish you would think about it because here is an opportunity to do something for people who are still within the shadow of the law as the result of an alleged violation for something which today is not a violation.

May I add that Mr. Remy, enforcement officer for OPA, has an adequate appreciation of this problem and has been genuinely cooperative in finding an administrative solution. I esteem it a matter of high importance which merits immediate action.

Mr. CRAWFORD. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I take this time to keep faith with those engaged in agriculture. Perhaps I shall want to ask the chairman of the committee one or two questions. There has been handed to

me language which applies to lines 23 and 24 on page 7 of the bill. On line 23, after the word "cases", the language has been suggested to be added, "with particular regard to the needs of farm households and the prevention of wastage of milk, fruits, and perishable agricultural commodities."

I should like to ask the chairman if in addition to what the chairman has already given us along that line, he feels it is necessary for us to further strengthen the language in subparagraph (b) with respect to those particular items, or does the chairman and the committee feel that that matter is quite substantially taken care of under the language of the bill?

Mr. WOLCOTT. We had the alternative between allocating these percentages or writing the lines which we did in the bill, with the explanatory matter in the report. I might say to the gentleman, and perhaps to refresh the memories of those in the House on this point, that when courts interpret the language of a statute, especially where the court is trying to determine legislative intent, the courts look first to the language of the act itself. Then if there are ambiguities in the act, the committee report is taken next in importance to the bill in determining legislative intent. We decided we might run into so many difficulties in administering this law if we tried to provide percentage-wise allocations that it would be better to handle the matter by language in the report which would make it very clear as to what our intent was in that particular. We did that, and I believe that the language of the bill with explanatory matter in the report which for purposes of determining legislative intent are next in effectiveness to the bill itself, that the matter to which the gentleman refers will be adequately taken care of; and if it is possible to allocate it, the reasonable demands of every householder for canning purposes should be taken care of. It is our intent that they shall be taken care of if it is reasonably possible to do so.

Mr. CRAWFORD. I thank the chairman for that explanation.

There is one other suggestion in the same paragraph: Following the word "history" in line 24, add this sentence:

In making allocations the Secretary shall give first consideration to medicinal, medical, food and other essential users.

I assume the remarks which the chairman has just made would apply also to that, the committee relying upon the good faith and integrity of the Secretary of Agriculture to use judgment and discretion and to follow the committee's intent as nearly as possible.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The Clerk read as follows:

SEC. 2. Prior to the expiration of the authority granted by this act, the Secretary of Agriculture is hereby authorized and directed to remove any or all controls with respect to any product over which control is authorized by this act when he determines that the supplies of sugar are sufficient to warrant such action.

SEC. 3. (a) The powers, functions, and duties of (1) the President under title III of the Second War Powers Act, 1942, and the amendment to existing law made thereby: (2) the President or any executive department under section 6 of the act of July 2, 1940; (3) the Price Administrator under the Emergency Price Control Act of 1942; and (4) the President and the Price Administrator under the Stabilization Act of 1942, all as amended and extended (and irrespective of what officer, department, or agency may be now exercising any such power, function, or duty) are, insofar as they relate to sugar, hereby transferred to and shall be executed by the Secretary of Agriculture.

(b) Every order, directive, rule or regulation relating to any power, function, or duty transferred by subsection (a) of this section, issued by any officer, department, or agency heretofore performing such power, function, or duty, which is not in conflict with the provisions of this act and which is in effect on the date of the enactment of this act, shall continue in full force and effect, according to its terms, unless and until modified or rescinded by the Secretary of Agriculture.

(c) So much of the unexpended balances of appropriations, allocations, or other funds, and the property available for the use of any officer, department, or agency in the exercise of any power, function, or duty transferred by subsection (a) of this section or for the use of the Secretary of Agriculture in the exercise of any power, function, or duty so transferred, as the Director of the Bureau of the Budget shall determine, shall be transferred for use in connection with the exercise of such powers, functions, or duties. In determining the amount to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such balances of appropriations, allocations, or other funds prior to the transfer. Such personnel as the Director of the Bureau of the Budget determines to be required may also be transferred temporarily to the Department of Agriculture pending termination in whole or in part of the powers, functions, and duties transferred by subsection (a) of this section. There are authorized to be appropriated to the Secretary of Agriculture such sums as may be necessary to carry out the provisions of this act.

Mr. REES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REES: On page 9, line 23, after the period following the word "act", insert "provided, nothing in this section shall in anywise be construed to violate any of the veterans' preference act of 1944."

Mr. REES. Mr. Chairman, I shall not take much time of the committee except to say that this is the amendment I discussed earlier in the afternoon.

I trust the chairman of the committee will accept the amendment.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield.

Mr. WOLCOTT. I have not of course canvassed the committee, but so far as I personally am concerned I can see no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. REES].

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. (a) It shall be unlawful for any person to do or omit to do any act, in violation of any order, directive, rule, or regulation continued in effect by section 3 (b) of this act or issued in the exercise of any power, function, or duty transferred by section 3 (a) of this act.

(b) It shall be unlawful for any officer or employee of the Government, or for any adviser or consultant to the Secretary of Agriculture in his official capacity, to disclose, otherwise than in the course of official duty, any information obtained under this act, or to use any such information, for personal benefit.

(c) Any person who willfully violates any provision of this section shall, upon conviction thereof, be subject to a fine of not more than $5,000, or to imprisonment for not more than 2 years in the case of a violation of subsection (b) and for not more than 1 year in all other cases, or to both such fine and imprisonment.

SEC. 5. As used in this act—

(a) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided*, That no punishment provided by this act shall apply to the United States, or to any such government, political subdivision, or agency.

(b) The term "sugar" means any grade or type of saccharine product derived from sugarcane, sugar beets, or corn, including liquid sugar, sirups, molasses, or mixtures thereof, and sugar-containing products, which contain sucrose, dextrose, or levulose.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: After line 7, on page 11, add a new section reading as follows:

"SEC. 6. A new section is added to the Emergency Price Control Act of 1942, as amended, to read as follows:

"'Notwithstanding anything to the contrary in this act, no action shall be instituted or maintained under section 205 (a) or 205 (e) by the Administrator, or on behalf of the United States by any other officer or agency of the Government, if the violation arose out of the sale of a commodity other than sugar or rice or the payment or receipt of rent for defense area housing accommodations.'"

Mr. MONRONEY. Mr. Chairman, I make the point of order against the amendment that it is not germane to the bill under consideration.

Mr. DIRKSEN. Mr. Chairman, I wonder if the gentleman would withhold the point of order for a moment.

Mr. MONRONEY. I will be delighted to reserve the point of order.

Mr. DIRKSEN. Mr. Chairman, indulge me just a moment to say that this proposal to decontrol actions at law and to give our people a little break and to take them out from under the shadow of law is not quite so startling as it sounds. I have spoken some with the enforcement officials of OPA, and they have been endeavoring to set up some kind of a cut-off, measured in terms of dollars below which they would automatically throw these actions out of court. Whether it should be $2,000, $3,000, $9,000, or $10,000, is a matter in question. They did submit to me a figure to the effect that at $3,000 probably 60 percent of these actions would go into the discard. So, you see, the enforcement officials of OPA have been giving this matter some consideration. I think it would be an astonishing thing

indeed, however, if, with respect to decontrolled commodities, all these actions at law were some day transferred to the Department of Justice, and that out of violations that arose from the sale of commodities, other than sugar, rent, or rice, that people will still be relentlessly pursued by the Government when they have come under a violation. The matter is worthy of real consideration by the House, because this shadow is upon these people until either administrative or legislative action has been taken.

Mr. Chairman, with respect to the point of order it did occur to me that because of the general policy set out in the bill, and in view of the fact that it relates to the whole OPA act, the Stabilization Act and the Second War Powers Act, that it might be germane to the bill, notwithstanding the fact that it deals broadly with OPA, whereas the bill in question relates only to one commodity.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Would the gentleman's amendment in relation to audits of possible overpayment of subsidies entirely substitute the provisions of the price-control procedure?

Mr. DIRKSEN. I doubt it very much.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Arkansas.

Mr. HARRIS. I wonder if the gentleman will not agree with me that it might be better if these matters could be worked out administratively, in view of the subsidy just mentioned by the gentleman from South Dakota [Mr. CASE]? If the enforcing officials of OPA could work this matter out separately and as an administrative policy, it would be better than approaching it by legislation here. I have prepared a bill that proposes to do the same thing. I understand that there was $123,000,000 in subsidies involved. I wonder if the gentleman would not agree that it could be worked out much better administratively?

Mr. DIRKSEN. My answer is: It is equally effective whether it is worked out administratively or legislatively, but the essential thing is that nearly 6 months have gone by since these commodities have been decontrolled, and these people still have an action at law hanging over them in the Federal courts of the country.

Mr. MONRONEY. Mr. Chairman, since this bill deals exclusively with sugar, and since the amendment offered by the gentleman from Illinois specifically exempts sugar from any consideration in the amendment, I renew my point of order against the gentleman's amendment.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Illinois has offered an amendment to which the gentleman from Oklahoma has raised a point of order upon the ground that it is not germane. As indicated by the gentleman from Oklahoma, the resolution before the Committee, both in its title and in the provisions contained in the body of the bill, relates solely and exclusively to the commodity of sugar.

The amendment offered by the gentleman from Illinois seeks to amend the Emergency Price Control Act of 1942 by adding a new section. The effect of that amendment is to cover commodities of all sorts, types, and descriptions, remedies, penalties, and procedures covered by the Price Control Act of 1942, with the exception of sugar; therefore, in the opinion of the Chair, it is not germane to the resolution before the Committee of the Whole, and the Chair sustains the point of order.

The question is on the committee amendment as amended.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the preamble to the joint resolution.

The Clerk read as follows:

Whereas the war has resulted in an acute shortage of sugar to an extent which is impairing the reconversion of the national economy from war to peace; and

Whereas it is in the interest of national defense and security to effectuate an orderly distribution of sugar at reasonable prices in order to prevent profiteering, hoarding, market manipulation, and speculation in sugar; waste or spoilage of perishable agricultural commodities; and to prevent or eliminate other disruptive practices arising out of the scarcity of sugar: Therefore be it

With the following committee amendment:

Strike out all of the preamble.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COLE of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H. J. Res. 146) to extend the powers and authorities under certain statutes with respect to the distribution and pricing of sugar, and for other purposes, pursuant to House Resolution 149, he reported the resolution back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time.

The SPEAKER. The question is on the amendment to strike out the preamble.

The amendment was agreed to.

The joint resolution was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. SPENCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 287, nays 54, not voting 91, as follows:

[Roll No. 24]

—YEAS—287

Abernethy	Gamble	Miller, Md.
Albert	Gary	Miller, Nebr.
Allen, Calif.	Gathings	Mills
Allen, Ill.	Gearhart	Mitchell
Allen, La.	Gifford	Monroney
Almond	Gillette	Morgan
Andersen, H. Carl	Gillie	Morris
Anderson, Calif.	Goff	Morton
Andresen, August H.	Gordon	Muhlenberg
Andrews, Ala.	Gore	Mundt
Andrews, N. Y.	Gossett	Murdock
Angell	Graham	Murray, Tenn.
Arends	Granger	Murray, Wis.
Auchincloss	Grant, Ala.	Nixon
Bakewell	Gross	Nodar
Barrett	Hagen	Norblad
Bates, Ky.	Hale	Norman
Battle	Hall, Edwin Arthur	O'Brien
Beall	Halleck	O'Hara
Beckworth	Hand	Owens
Bell	Hardy	Pace
Bennett, Mich.	Harless, Ariz.	Passman
Blackney	Harris	Patman
Blatnik	Harrison	Patterson
Boggs, La.	Hart	Peden
Bolton	Havenner	Phillips, Calif.
Bonner	Hays	Pickett
Boykin	Hébert	Ploeser
Bradley, Calif.	Hedrick	Plumley
Bramblett	Herter	Poage
Brooks	Heselton	Poulson
Brophy	Hess	Price, Fla.
Brown, Ga.	Hill	Price, Ill.
Bryson	Hinshaw	Priest
Buchanan	Hobbs	Rayburn
Buck	Hoeven	Redden
Buffett	Holmes	Reed, Ill.
Burke	Horan	Rees
Burleson	Howell	Reeves
Busbey	Huber	Richards
Butler	Jackson, Wash.	Riley
Byrnes, Wis.	Jenkins, Ohio	Robertson
Camp	Jenkins, Pa.	Robsion
Cannon	Jennings	Rockwell
Carroll	Johnson, Calif.	Rogers, Fla.
Case, S. Dak.	Johnson, Ill.	Rogers, Mass.
Chapman	Johnson, Ind.	Rohrbough
Chelf	Johnson, Okla.	Russell
Chenoweth	Jones, Ala.	Sabath
Chiperfield	Jones, Wash.	Sadlak
Church	Jonkman	Sadowski
Clark	Judd	Sanborn
Clason	Karsten, Mo.	Sasscer
Coffin	Kean	Scott, Hardie
Cole, Kans.	Kearney	Scott, Hugh D., Jr.
Cole, N. Y.	Keating	Seely-Brown
Colmer	Kee	Sheppard
Combs	Keefe	Sikes
Cooley	Kefauver	Smathers
Corbett	Kelley	Smith, Maine
Courtney	Kennedy	Smith, Va.
Crawford	Kerr	Snyder
Crosser	Kilburn	Somers
Curtis	Kilday	Spence
D'Alesandro	King	Springer
Davis, Ga.	Kirwan	Stefan
Davis, Tenn.	Kunkel	Stevenson
Dawson, Utah	Lane	Stigler
Deane	Lanham	Stockman
Devitt	Larcade	Stratton
D'Ewart	Lea	Sundstrom
Dingell	LeCompte	Taber
Dirksen	LeFevre	Talle
Dolliver	Lesinski	Teague
Domengeaux	Lodge	Thomas, Tex.
Dondero	Love	Thomason
Donohue	Lusk	Tibbott
Dorn	Lyle	Tollefson
Doughton	Lynch	Trimble
Douglas	McConnell	Twyman
Durham	McDonough	Vail
Eberharter	McMahon	Van Zandt
Ellis	McMillan, S. C.	Vorys
Ellsworth	McMillen, Ill.	Walter
Engel, Mich.	Madden	Welch
Fallon	Mahon	West
Fellows	Maloney	Whittington
Fenton	Manasco	Wigglesworth
Fisher	Mansfield, Mont.	Williams
Flannagan	Martin, Iowa	Wilson, Ind.
Fletcher	Mathews	Wolcott
Fogarty	Meade, Ky.	Wolverton
Folger	Meade, Md.	Woodruff
Foote	Michener	Worley
Forand	Miller, Calif.	Zimmerman
Fulton	Miller, Conn.	

NAYS—54

Banta	Hoffman	Rizley
Bender	Jenison	Schwabe, Mo.
Bennett, Mo.	Jensen	Schwabe, Okla.
Bishop	Jones, Ohio	Scoblick
Brehm	Knutson	Scrivner
Carson	Lemke	Shafer
Clevenger	Lewis	Short
Clippinger	McCowen	Simpson, Ill.
Cole, Mo.	McGregor	Smith, Kans.
Cotton	Merrow	Smith, Ohio
Cunningham	Meyer	Smith, Wis.
Elliott	O'Konski	Vurseli
Engle, Calif.	Phillips, Tenn.	Weichel
Evins	Preston	Wheeler
Gavin	Ramey	Whitten
Goodwin	Rankin	Winstead
Gwinn, N. Y.	Reed, N. Y.	Wood
Gwynne, Iowa	Rich	Youngblood

NOT VOTING—91

Arnold	Gallagher	Macy
Barden	Gerlach	Mansfield, Tex.
Bates, Mass.	Gorski	Marcantonio
Bland	Grant, Ind.	Mason
Bloom	Gregory	Morrison
Boggs, Del.	Griffiths	Norrell
Bradley, Mich.	Hall,	Norton
Brown, Ohio	Leonard W.	O'Toole
Buckley	Harness, Ind.	Peterson
Bulwinkle	Hartley	Pfeifer
Byrne, N. Y.	Heffernan	Philbin
Canfield	Hendricks	Potts
Case, N. J.	Holifield	Powell
Celler	Hope	Rabin
Chadwick	Hull	Rains
Clements	Jackson, Calif.	Rayfiel
Cooper	Jarman	Riehlman
Coudert	Javits	Rivers
Cox	Johnson, Tex.	Rooney
Cravens	Jones, N. C.	Ross
Crow	Kearns	St. George
Dague	Keogh	Sarbacher
Dawson, Ill.	Kersten, Wis.	Simpson, Pa.
Delaney	Klein	Stanley
Drewry	Landis	Taylor
Eaton	Latham	Thomas, N. J.
Elsaesser	Lucas	Towe
Elston	McCormack	Vinson
Feighan	McDowell	Wadsworth
Fernandez	McGarvey	Wilson, Tex.
Fuller	MacKinnon	

So the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Canfield for, with Mrs. St. George against.

General pairs until further notice:

Mr. Simpson of Pennsylvania with Mr. Clements.
Mr. Hartley with Mr. Cravens.
Mr. Latham with Mr. Rabin.
Mr. Towe with Mr. Cox.
Mr. Eaton with Mr. Rooney.
Mr. Coudert with Mr. Morrison.
Mr. Leonard W. Hall with Mr. Gorski.
Mr. Brown of Ohio with Mr. Keogh.
Mr. Chadwick with Mr. Feighan.
Mr. Case of New Jersey with Mrs. Norton.
Mr. Wadsworth with Mr. Pfeifer.
Mr. Thomas of New Jersey with Mr. Vinson.
Mr. Riehlman with Mr. Klein.
Mr. Ross with Mr. Mansfield of Texas.
Mr. Sarbacher with Mr. Gregory.
Mr. Taylor with Mr. Heffernan.
Mr. Macy with Mr. Dawson of Illinois.
Mr. Fuller with Mr. Rayfiel.
Mr. Dague with Mr. Jarman.
Mr. McDowell with Mr. Celler.
Mr. MacKinnon with Mr. Stanley.
Mr. Grant of Indiana with Mr. Delaney.
Mr. Gallagher with Mr. Drewry.
Mr. Jackson of California with Mr. Barden.
Mr. Hope with Mr. Cooper.
Mr. Bates of Massachusetts with Mr. Byrne of New York.
Mr. McGarvey with Mr. Johnson of Texas.
Mr. Crow with Mr. Peterson.
Mr. Boggs of Delaware with Mr. Philbin.
Mr. Bradley of Michigan with Mr. McCormack.
Mr. Elsaesser with Mr. O'Toole.
Mr. Elston with Mr. Fernandez.
Mr. Griffiths with Mr. Powell.
Mr. Mason with Mr. Holifield.

Mr. GAVIN and Mr. COLE of Missouri changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to revise and extend their remarks on House Joint Resolution 146.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PRINCETON UNIVERSITY BICENTENNIAL COMMISSION

The SPEAKER. Pursuant to the provisions of Public Law 367, Seventy-ninth Congress, the Chair appoints as commissioners of the United States Princeton University Bicentennial Commission the following Members on the part of the House to serve with himself: Mr. ANDREWS of New York, Mr. GAMBLE, Mr. MATHEWS, and Mr. FEIGHAN.

EXTENSION OF REMARKS

Mr. JOHNSON of California (at the request of Mr. HALLECK) was given permission to extend his remarks in the RECORD and include an address delivered by him at a convention of the American Legion at Indianapolis, Ind., on March 20.

Mr. CORBETT and Mr. SOMERS asked and were given permission to extend their remarks in the RECORD.

Mr. BUSBEY asked and was given permission to extend his remarks in the RECORD in two instances; to include in one an address delivered by the Speaker over the American Broadcasting System on March 15 in behalf of the American Red Cross, and in the other an article appearing in the New Leader of March 15, 1947.

Mr. BONNER. Mr. Speaker, the gentleman from Virginia [Mr. BLAND] secured permission to extend his remarks in the RECORD and include therein an article entitled "Marine Operating Problems of the Panama Canal and the Solution Thereto." He has been notified by the Public Printer that this will exceed two pages of the RECORD and will cost $266.25. Notwithstanding that fact, Mr. Speaker, I ask unanimous consent on behalf of the gentleman from Virginia that the article be printed in the RECORD.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

Mr. MILLS asked and was given permission to extend his remarks in the RECORD and include an editorial appearing in today's issue of the Washington Daily News.

CALENDAR WEDNESDAY

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

DELETION FROM RECORD

Mr. SABATH. Mr. Speaker, I ask unanimous consent to withdraw the statement I made on March 17 on page 2219 of the daily RECORD.

Mr. HOFFMAN. I object, Mr. Speaker.

REFERENCE OF BILL

Mr. VAN ZANDT. Mr. Speaker, after conferring with the chairman of the Committee on Foreign Affairs as well as the chairman of the Committee on Interstate and Foreign Commerce, I ask unanimous consent that the bill H. R. 1000 assigned to the Committee on Foreign Affairs be transferred to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXTENSION OF REMARKS

Mr. KELLEY asked and was given permission to extend his remarks in the RECORD and include a petition from the offices of the Independent Political Slovak Club of Monessen, Pa.

PALESTINE

Mr. BENDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BENDER. Mr. Speaker, for a long time the American Government has been committed to the establishment of a Jewish homeland in Palestine. For a long time the British Government has been committed to the establishment of a Jewish homeland in Palestine. Following the recent war, the British, without consulting us, stopped the immigration of Jews into Palestine. After tremendous protest, the British Government jointly, with our Government, established an Anglo-American Commission which studied this problem, and after months of deliberation and investigation, recommended the admission of 100,000 Jews to Palestine. The British Government promptly reneged on the official Anglo-American Commission's recommendations for the admission of 100,000 Jews to Palestine.

Mr. Speaker, our good President, Mr. Truman, has been insistent, has several times called to the attention of the British Government the fact that this Government and the American people believe that in all justice and in line with the commitments made by the British Government and the American Government, that 100,000 Jews should be admitted to Palestine. This the British have persistently refused to permit, and day by day are driving refugees from Hitler Germany at the point of the bayonet into new concentration camps on the island of Cyprus. I sum up and refresh our memory on these facts because they have a most important bearing on our good President's request for $400,000,000.

I wish to suggest that the British Government's word, and further, that its judgment, cannot be depended upon.

They would have us believe that Greece is important to our security, but their actions prove that Greece is unimportant to their security.

Mr. Speaker, the important thing about the President's request for funds is this. We propose to enter the political and economic life of the Middle East in a decisive way. That means that we intend to have our say, probably to become the dominant power—international power—in Greece, Turkey, Syria, Lebanon, Palestine, Trans-Jordan, Egypt, Iraq, Iran, Yemen, Saudi Arabia, in short, in the whole Near East-Middle East area. It is impossible to propose that we should take hold of the situation in Greece and Turkey without entering, becoming responsible for, the political, economic situation in every single near- and middle-eastern country.

Mr. Speaker, the British say that they need us to help them. Why then do not the British give us an equal voice in the solution of the question of Palestine? If the British need us to maintain their position in the Middle East, if they need our $400,000,000, why would not the British admit 100,000 Jews to Palestine? And why does not our State Department demand as a price for our even considering the question of advancing $400,000,000 that the British at least live up to their official commitments now 30 years old? How in God's name can we trust the judgment of the British Government or the word of the British Government? How can we continue to pour out the money of American men and women when we witness now the daily violation of the word of honor of the British Government on Palestine. Mr. Speaker, I ask now, on the floor of the House, of our State Department, when will the British agree to the announced American policy for the admission of 100,000 homeless, hungry, Jewish refugees from Nazi oppression into their historic homeland?

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MAHON, for March 20, on account of illness.

To Mr. CHADWICK (at the request of Mr. HUGH D. SCOTT, JR.), for today, on account of illness.

SPECIAL ORDER

The SPEAKER. Under previous order of the House, the gentleman from Louisiana [Mr. BOGGS] is recognized for 30 minutes.

Mr. BOGGS of Louisiana. Mr. Speaker, I ask unanimous consent to include in my remarks an editorial from the St. Louis Post-Dispatch dated March 16, 1947; an editorial from Life magazine of March 17, 1947, entitled "Our Foreign Policy Crisis"; and an editorial from the New Orleans Item dated March 19, 1947, entitled "America's Great Opportunity."

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CREATION OF A UNITED STATES OF EUROPE

Mr. BOGGS of Louisiana. Mr. Speaker, I have today introduced a resolution which, if adopted, will put the Congress of the United States on record as favoring the creation of a United States of Europe. It is a simple resolution consisting of one sentence: "That the Congress favors the creation of a United States of Europe within framework of UN." The resolution, in my opinion, is timely and vital. It comes at a time when people all over America are repeating President Truman's assertion of last week when he addressed us on Greece that "Nobody knows where this will lead us," and it comes at a time when all thoughtful Americans are asking "After this, what?"

I believe that the vast majority of the Members of this body are in accord with our President on the necessity of rescuing Greece and the Near East from the aggressive communism sponsored by Moscow. I believe that the American people thoroughly appreciate the vital necessity of supporting the President. Students of history have drawn the parallel between the President's remarks of last week and President Roosevelt's "quarantine the aggressor" speech of 1937. They have pointed out how President Roosevelt's prophetic words fell upon deaf ears and how the democratic world suffered the humiliation of Munich and was finally subjected to the blood bath of the Second World War because of a policy of stupid appeasement. Yes; Mr. Speaker, we all know that appeasement and isolationism will not work. They have been tried twice and both times humanity has been subjected to the catastrophe of international warfare.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. BOGGS of Louisiana. I yield to the gentleman from Michigan.

Mr. HOFFMAN. What nations are to be in this United States of the World, and how are they to vote? What vote is to be given to each nation?

Mr. BOGGS of Louisiana. My resolution does not contemplate the details of the organization, which will be set up in Europe; and in addition, it is not the United States of the World, it is the United States of Europe.

Mr. HOFFMAN. It is going to be confined to the nations of Europe?

Mr. BOGGS of Louisiana. Yes.

Mr. HOFFMAN. Under what theory does the gentleman believe we can advise Europe what to do?

Mr. BOGGS of Louisiana. If the gentleman will allow me to proceed I shall go on with my statement.

Mr. HOFFMAN. I shall be glad to, and I will listen with a great deal of interest because I am wondering how we could impose our will on those other nations.

Mr. BOGGS of Louisiana. I think the gentleman will be very much interested.

Just as appeasement made Hitler secure in his belief that the democracies were soft and complacent and would not fight, a similar policy will convince the leaders of the Kremlin that the democratic world can be conquered by diplomatic maneuvers and threats of force and war. Therefore, I believe that all thinking Americans will support our Chief Executive. But, as the New Orleans Item pointed out in a forceful and magnificently written editorial of several days ago, entitled "America's Great Opportunity," the policy of holding fast and firm and of going to the help of the democratic nations of Europe, is a good policy but not good enough:

> Our policy, such as it is, springs not from action but reaction. Since the end of the war we have waited for Russia to punch, and then (sometimes) we counterpunch. Our counterpunching, especially in the last year, has been effective, but in the long run it won't be effective enough.
>
> Having no sovereign European plan of its own, the United States has been forced on the defensive. Our policy really consists of merely opposing Russian expansion. That certainly is better than acquiescing, but it still is negative. It offers no permanent relief. Even as a temporary expedient it has not been too successful.

In short, Mr. Speaker, my resolution would seek to recognize the fundamental truth that we have no positive foreign policy in Europe. It would substitute affirmative action and would point the direction that Europe must follow if it is again to become the great force for morality, for Christianity, and for progress that it has historically enjoyed in the world. There is no alternative. Already this Nation has appropriated or made available approximately $31,000,000,000 in American money for the rehabilitation of Europe, and despite this fabulous sum of money, the problem of Europe becomes more acute and more pressing as each day passes. No wonder Americans are saying, "Where do we go from here?"

Suppose, Mr. Speaker, that the men who drafted our magnificent Constitution and who made possible this glorious Federal Union of ours had not succeeded, and suppose our 48 sovereign States were 48 sovereign nations, with separate currencies, different ways of doing business, unintegrated systems of transportation and communication, with all sorts of trade restrictions and barriers, with separate armies and taxing authorities. Do you think that for one moment we would have here today on this continent this mighty Nation? Do you think our States would have been spared constant warfare? Do you think that our Nation would have achieved the unbelievable prosperity and scientific advancement that we now have? Suppose it were necessary to pay taxes and effect an international currency exchange to ship iron ore from the Great Lakes to Pennsylvania, and to transport crude oil from Texas to New York, or to move cotton from Georgia to New England. The very notion is fantastic.

Yet, this is what we are trying to do in Europe. We are trying to reconstitute all sorts of artificial barriers. We are playing a game of power politics in an era where power politics are as outmoded as the feudal system.

Is the plan that my resolution contemplates impractical? Is it utopian? Is it new or novel? All of these assertions have been made. But first, let us talk about whether or not it is impractical or utopian.

What can be a better illustration than the little country of Switzerland. There is the United States of Europe in miniature. The Swiss differ religiously, racially, politically, socially, industrially, and linguistically, yet the 25 cantons are

welded into a federation with a common economic, foreign, and military policy, and without loss of essential sovereignty or the sacrifice of culture or tradition.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield for a question?

Mr. BOGGS of Louisiana. I am glad to yield to the gentleman.

Mr. HOFFMAN. Is not Switzerland a shining example of isolationism?

Mr. BOGGS of Louisiana. I do not think so.

Mr. HOFFMAN. There it is right in the middle of things and it has never taken part in any war, but has just been tending its own business.

Mr. BOGGS of Louisiana. Switzerland has achieved a magnificent advance in Europe because of its unification.

Mr. HOFFMAN. It is a little oasis of peace and prosperity, is it not?

Mr. BOGGS of Louisiana. That is correct.

Mr. HOFFMAN. Because it minds its own business and it does not interfere in any way with any of its neighbors.

Mr. BOGGS of Louisiana. I think history will prove, Mr. HOFFMAN, that there are many factors other than what you call appeasement which have contributed to that situation.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. BOGGS of Louisiana. I yield.

Mr. BROOKS. I have been listening with intense interest to the gentleman. The gentleman has mentioned the program for a United States of Europe which will relieve Europe of the situation in which it finds itself as a result of politics being played on the basis of the balance of power, which in my opinion has been the scourge of civilization for many a year.

Mr. BOGGS of Louisiana. I appreciate the contribution of the gentleman.

Four different tongues—French, German, Italian, and Romansh—are recognized as national languages. Frieburg, a Catholic canton, lives happily side by side with Berne, solidly Protestant, and synagogues are found in every canton. Every so-called canton is a real state, with its own government and parliament, its own laws and taxes, its own traditions and symbols, and its own local patriotism. The Swiss Federation, however, governs foreign affairs, monetary affairs, foreign trade and duties, and ensures the civil rights of the individual and the cantons.

And for a few other illustrations, think of all that has already gone before in Europe. Think of Italy, and the long years when Sardinia, Savoy, Sicily, Piedmont, Lombardy, Venice, Rome, Naples, and Trieste fought bloody, cruel wars; yet so-called utopianism brought about unity; and have you forgotten the centuries during which the German principalities and other sovereign units fought one another in a ceaseless struggle for power?

So, the argument that the plan is utopian or impractical falls by the wayside.

Is the plan novel?

On the contrary. It has been brought forward by the great thinkers of Europe for many centuries, and it has been advocated by intelligent Americans since the time of George Washington. It was George Washington who wrote the following prediction to General Lafayette:

We have sowed seeds of liberty and union that will spring up everywhere on earth, and one day, taking its pattern from the United States of America, there will be founded the United States of Europe.

Many leaders have worked to bring about the federation. After the First World War the movement received tremendous support from the great French leader and Premier, Briand. Before the rise of Hitlerism the Federation of Europe seemed almost certain of success. Twenty-six governments had approved the plan, and the union seemed to be in sight. Briand died, however, in 1932 and in 1933 Adolf Hitler proclaimed the Third Reich. Six years later the Hitler armies marched from country to country with a peculair plan of unification and federation under the banner of "master race" and similar Fascist philosophies.

Today the federation, however, has powerful voices raised in its behalf. Already that peerless British statesman and leader Winston Churchill has spoken out in powerful terms. He has been joined by General Smuts, the Prime Minister of South Africa, and on this side of the Atlantic by John Foster Dulles, and many other outstanding authorities on foreign policy.

Churchill, in an address at Zurich some months ago, had this to say:

It—

Europe—

is the origin of most of the culture, art, philosophy, and science, both of ancient and modern times. If Europe were once united in the sharing of its common inheritance, there would be no limit to the happiness, the prosperity, the glory which its 300,000,000 or 400,000,000 people would enjoy. Yet it is from Europe that has sprung that series of frightful nationalistic morals, originated by the Teutonic nations in their rise to power, which we have seen in this twentieth century and which have for a long time wrecked the peace and marred the prospect of all mankind.

And what is the plight to which Europe has been reduced? Some of the small states have, indeed, made a good recovery, but over wide areas a vast, quivering mass of tormented, hungry, careworn, and bewildered human beings gaze on the ruins of their cities and scan the dark horizon for the approach of some new peril, tyranny, or terror.

They may still return. There is a remedy which, if it were generally and spontaneously adopted by the great majority of people in the many lands, would, as if by a miracle, transform the whole scene and would in a few years make all Europe, or the greater part of it, as free and as happy as Switzerland is today.

What is this sovereign remedy?

We must build a kind of United States of Europe.

If time permitted, I could quote at length from John Foster Dulles, and many others. Suffice it to say that a United States of Europe, I believe, is on its way. The great scholar Richard Coudenhove-Kalergi has polled the members of European parliaments and governments, and he has received 624 replies. Only 12 were against the plan. This summer in Geneva the first Congress of European members of parliament will meet. It will draft a European charter, and submit practical suggestions for the economic and political integration of Europe.

In the words of the Item editorial:

Perhaps in spite of all the good omens this dream won't come true, but it is worth all the trying we have in us. It can't be tried at all without our leading the way. At this point only America has the means and the power to launch the idea, to encourage and influence its growth, and sustain it to maturity.

It will be costly, but not as costly as our present policy. It will be discouraging, especially at first, but not as discouraging as what is happening now. And, if we should ultimately succeed we will have accomplished one of the great undertakings of mankind.

The articles referred to are as follows:

[From the St. Louis Post-Dispatch of March 16, 1947]

IN CLIO'S WOMB

"History," said Voltaire, "is the tread of wooden shoes going up the stairs, and the patter of satin slippers coming down." The patter of satin slippers on history's stairway now is the receding British Empire; the clatter of wooden shoes is the lumbering of Russian imperialism fired by the proselyting zeal of the Communist dogma.

The surging dynamic of communism cannot be met by tired, static and quiescent institutions which demonstrate daily in England, France, and Germany their inability to give the masses the standard of living which they have a right to expect of a modern industrial civilization. The Communist threat can be held at bay, but it cannot permanently be vanquished by such things as loans to Britain, Greece, and Turkey, an increase in the calorie content of German rations, or token forces, garrisoned like police squads, on Russia's boundaries.

Such measures as President Truman now is taking to call Russia's hand, backed up by the atom bomb and America's aptitude for industrial warfare, may restrain the ambitions of a Russia still staggering from blows received in the last war. But they are not a long-range answer to the dangers of an uneasy peace.

SEEDBED OF WAR

And indeed, if Russia and the United States went to war and Russia were resoundingly defeated, it would be no more an answer to the fundamental problem of European civilization than were the defeats of Germany in 1918 and 1945. Before the United States entered the last war, the Post-Dispatch said, in 1940:

"What are the historical forces whose ferment has brought Europe into a great war for a second time in a quarter-century? * * * This area is divided into many separate nations, each with its own illogical tariff barriers, which keep it from exporting its surplus commodities to its neighbors or receiving from them the goods in which it is deficient. * * * To carve a continent into a crazy quilt of small nations creates irresistible economic pressures. Recurrent explosions are inevitable until some machinery for relieving these pressures is devised."

There is more of a vacuum to fill than that of rotting empire. There is also the vacuum of frustrated economic institutions.

Communism's great ally in Europe today is not the cold, abstruse materialism of the Marxian doctrine; it is "balloon belly" in Germany and the Balkans, toothless children in France and Britain, and everywhere, from the crumbling cliffs of Dover to the Black Sea, scurvy and rickets and a door closed against a comfortable and decent human existence.

Yet the situation is not hopeless. A new age knocks on the door of time. The muse of history is in travail; a young giant stirs in Clio's womb, if only the midwives of European politics will stir themselves to attend its birth.

THE GREAT DESIGN

Amidst the ruins of falling empire, there is an instrument that could be used to fill the void. That is a United States of Europe. It is an instrument not limited to the negative object of fending off communism, but possessed of a dynamic and purpose which can interpose a true bulwark against the Communist thrust.

It is a plan the need for which has been recognized from the Middle Ages. In the early seventeenth century, it was the great design of Henry the Fourth of France and his minister, Sully, and might conceivably have been achieved then had not Henry fallen at the hand of the addled ex-valet, Ravaillac.

In the nineteenth century, another Frenchman, Victor Hugo, championed the idea. At the International Peace Congress at Paris in 1849, he said:

"A day will come when those two immense groups, the United States of America and the United States of Europe, shall be seen placed in the presence of each other, extending the hand of fellowship across the ocean, exchanging their produce, their commerce, their industry, their arts, their genius, clearing the earth, peopling the deserts, improving creation under the eye of the Creator and uniting, for the good of all, these two irresistible and infinite powers, the fraternity of men and the power of God."

In the late 1920's, as Europe teetered between two wars, yet another eloquent Frenchman, Aristide Briand, pressed for a federated Europe. With a mortal illness upon him—he was to be dead within the month—Gustav Stresemann, the German democratic leader, made a moving appeal for the Briand scheme in the League Assembly. But to the move for unity Britain opposed her old formula of "Divide and rule"; Briand's plan was stilettoed by the bumbling Baldwin, aided by France's Fascist Flandin. Now Europe's men of vision speak out again, trying to make themselves heard above the thunderous roar of torpor and inertia. Prime Minister Attlee has said, "Europe must federate or perish." Winston Churchill has said:

"If, in this interval, we can revive the life and unity of Europe and Christendom, and with this new reinforcement build high and commanding a world structure of peace which no one will dare challenge, the most awful crisis of history will have passed away and the highroad of history will again become open."

ESCAPE FROM FRAGMENTATION

The political advantages of European union have been well explored. Less has been said—much too little—about the economic, ethnic, and cultural advantages of federation. Therein lies tangible promise of a more prosperous life that can overcome lethargy and tradition and move men to clothe a dream with reality.

Shackled in their present narrow boundaries, and unsustained by the booty of imperialism which poured in so richly in the past, neither Britain nor the continental nations have much prospect of a high standard of living. But with their commerce revived by a free flow of commerce among them, with their talents pooled to utilize the fallow sections of the world, what a prospect of material rewards would unfold before them.

Across the oceans lie the black deltas of Africa, the rich plains and plateaus of New Guinea, the volcanic soil of New Britain and New Caledonia, the infinitely fertile muck of the New Hebrides and the Solomons, all waiting to yield up vast stores of food for a mechanized agriculture, an agriculture which would give a prized outlet to the industrial genius of the Germans and the commercial talents of the British.

The world's mineral wealth waits to yield its riches to the same pooled efforts of British, French, and German capital and enterprise. Above all, the magic of organic chemistry and of atomic science wait to pluck from earth and air bounties which can be reaped only by large-scale industry serving merged populations unhindered by trade barriers and cartels.

TESTS OF A HEALTHY NATION

A United States of Europe, confident in its own strength, and sharing common ideals with the United States of America, would be freed in substantial measure from the crushing load of military budgets and could devote more of its resources to the causes of peace.

Bruce Hopper, the Harvard historian, in an essay on the rise and fall of nations, lists these three essentials of a strong nation today:

1. Actual possession of sufficient raw materials for advancing industrialism.

2. Possession of a highly developed industrial technology to support modern war.

3. An adequate population, a high reproductive rate of the manpower, virility, and energy.

Alone, no European nation has more than one or two of these three essentials for a strong and viable state. United they would have all three in great abundance.

What should be the role of the United States in the creation of a like nation in Europe? First, the role is to guarantee the emerging federation from military interference by Russia. Second, to give financial assistance in generating economic strength. Third and perhaps foremost, to supply encouragement and vision for consummation of the project. It is President Truman's chance to bid for a place with the immortals.

TO LIFT EUROPE FROM DESPAIR

A thousand obstacles—political, racial, and ideological—to the creation of a United States of Europe spring instantly into the practical mind. But how precious are the prejudices and hatreds of Europe, compared to a plan that could lift the continent from a morass of despair?

World crises like the present one demand more than practicality. They require vision, imagination, and heroic boldness. No accomplishment could be more satisfying than to see this old and bloody continent, which has seen so much misery through the centuries, united, peaceful, and arrayed to achieve the full promise of its cultural past.

Let those who call themselves statesmen prick themselves awake with the sharp nettles of necessity and rise to the roles to which history calls them. Or if it is not in them to react with verve and vision, let them band together and act, as Kipling said, "from common funk." Like the famous advice Benjamin Franklin gave to the American colonies, for Europe it is a case of join—or die.

[From Life magazine of March 17, 1947]

OUR FOREIGN POLICY CRISIS—IT CALLS NOT FOR ACTIONS ALONE BUT FOR CLEARER AIMS AND MORE VIGOROUS IDEALS

Not since France collapsed in 1940 has United States foreign policy been under such strain as during the past fortnight. As Secretary of State Marshall went to Moscow on the momentous business of Europe's future, he left the United States Congress in a condition of bewilderment and shock caused by news of far greater moment, namely Britain's impending withdrawal from Greece.

The Americans have a phrase for it: Things are tough all over. Sharp-tongued Harry Gideonse, president of Freedom House and Brooklyn College, publicly hoped for Europe's and America's sakes that the Moscow Conference would fail. The experienced diplomat, Robert Murphy, left Berlin for the Conference in a mood which indicated he was sure it would fail. As for the decision on Greece which faces Congress, even Truman, whose sunny demeanor has struck a cheery note during this solemn fortnight, was gloomy and uncertain. Said he to the Congressmen, "Nobody knows where this will lead us."

No, of course nobody knows. But we can be sure of this: no Moscow conference, no Greek loan, no diplomatic step of any kind will lead us very far unless we can surmount such challenges with a clearer idea of what we think we are up to. Representative EATON, chairman of the House Foreign Affairs Committee, spoke the general need when he asked the President to "enunciate a world policy" into which the Greek, German, and other parts of the puzzle could be fitted. At last week's end the President was working on it. But the issues in this crisis run very deep. Not only the President but every interested citizen should think where we are heading.

TEN MILLION CRIMES

In sending George Marshall to Moscow the United States has no reason to fear that its end of that negotiation will be bungled. He is clearly a man of enormous competence, who knows what he wants from this conference, what opposition he will probably meet and what prices he will pay to overcome it. At once literate and businesslike, Marshall in his recent Princeton speech quoted approvingly from Justice Holmes: "Man is born to act. To act is to affirm the worth of an end, and to affirm the worth of an end is to create an ideal." This sentiment, it will be noted, makes ideals a byproduct rather than the motive of action.

As a practical man Marshall must base his German policy on what has gone before: the Potsdam Declaration, in which the Big Three agreed to punish, disarm and control Germany, and the Byrnes speech at Stuttgart, which promised national unity and a measure of hope to the German people. The economic unity of Germany, which Potsdam and Byrnes both promised, is therefore high on our Moscow agenda. It is an essential step toward the amelioration of Germany's acute misery and the economic recovery of Europe. Since the Soviets want more reparations from German production, agreement on this will be less a question of principle than of price.

But another left-over from Potsdam is a question of principle. Potsdam permitted the Poles in clear violation of the Atlantic Charter (to say nothing of human decency) to uproot and expel some 10,000,000 Germans from what used to be eastern Germany and is still not legally part of Poland. Competent witnesses have called this expulsion "a crime against humanity for which history will exact a terrible retribution." Having abetted this crime in advance at Potsdam, the United States is not likely to undo it at Moscow. There we will be asked to approve the Oder-Neisse line as Poland's legal boundary, thus repudiating the Atlantic Charter in letter as well as in spirit. Marshall is reportedly prepared to agree to an imperfect boundary if it will help him drive a bargain on some other front. Will he thereby invite history's retribution? Or must all active diplomacy involve some abetting of crime?

In Greece, if we take over the British commitment adequately, we will be abetting a civil war. The Greek Government is a rachitic monarchy revived by Winston Churchill. It makes no secret of what it wants of the United States: not just money but arms and moral support for the suppression of rebels. These rebels are salients of the Soviet drive for a Slav-Communist Balkan federation. If we leave Greece to its own fate, its Government will be overthrown and it will become part of this Communist federation. A chain reaction might well be

started, producing Communist triumphs or advances throughout the Mediterranean world.

SOMETHING MISSING

Indeed things are tough: in Korea, China, India, Turkey, Hungary, Austria, all over. Things add up to what the Washington Post calls "a crypto-war situation" between the United States and Russia, a war whose stakes and fronts are at once territory and the minds of men. To Britain, Greece was a vital link in the old Suez lifeline. To America it is vital for equally stark and imperial, though for strategically different, reasons. We must extend our influence and commitments there simply because political physics abhors vacuum. That alone is a sufficient reason for Congress to back Truman and Marshall with a subsidy for Greece.

It is not a very inspiring reason, however, and in this crisis there is something much nobler in Congress' puzzled reluctance than there is in the impatience of our professional diplomats. To the latter the case for our intervention in Greece, like the case for realistic bargaining in Moscow, is open and shut. The operation they call "stern containment" of Russia is its own excuse for action. But Congress senses—quite rightly—that something is missing from such a foreign policy. The name of this missing ingredient is idealism, the kind of idealism which precedes and warrants action instead of tagging after it. It has been missing from our foreign policy for some time.

Among Marshall's advisers in Moscow is one who has peculiarly concerned himself with the role of ideals in foreign affairs. He is the international lawyer, Republican and church leader, John Foster Dulles, well known to the readers of Life (March 18, June 3, June 10, 1946). In recent speeches he has called again and again for more intellectual and moral vigor in the world leadership which history has thrust on the United States. "Negation," said he (i. e., stern containment?), "is never a permanent substitute for creation, and no nation is so poor as a nation which can give only dollars." He wants peace treaties that are not just compromises but that will "bring into being new forces which are curative and creative." Above all he wants a restatement of United States policy which will be consistent with the best ideals of our past.

Two examples of traditional United States policy which have served the twin causes of clarity and practical idealism are the Monroe Doctrine and the open door; another is our belief in the juridical equality of states and in free speech, which caused great improvements in the United Nations Charter at San Francisco. In Europe, however, our actions and words have not always coincided. If they had, two wars might have been avoided; we must not be guilty of what Dulles calls "contributory negligence" again. A clear statement of our European policy is now long overdue.

DULLES ON EUROPE

To Dulles, as to more and more thinking people, our policy should be to help the nations of Europe federate, as our States federated in 1787; and he has proposed Europeanizing the production of the Rhine-Ruhr industrial area as a practical step to this end. Thus could the Big Four help Europe become "something better than the rickety fire hazard of the past." But "if the Soviet Union does not want to advance Continental unity as a whole," says Dulles, "then a worth-while start could still be made in western Europe. There 200 million people could, through increased unity, achieve increased prosperity, freedom and peace."

Greece, the cradle of Europe's 3,000-year-old civilization, is still part of Europe. If our goal for all Europe were as clear as Dulles', our intervention there now would fall sensibly into place as a holding operation. Accompanied by a clear statement of United States aims, a loan to Greece (or to any other country) would be worth something. Not so accompanied, the money will be of dubious value and the adventure will indeed lead us "nobody knows where."

Regional goals, such as Dulles outlines, are not incompatible with more universal ideals. They are simply nearer and likelier to be achieved. Nor do they confine or commit us to the "spheres of influence" arrangement which, by the deal Roosevelt and Churchill made at Casablanca, has prevented us from taking a direct hand in Greek affairs until now. George Marshall was right when he said, "We are now concerned with the peace of the entire world." But as Dulles says, "Peace lies not in compromising but in invigorating our historic policies." The time to invigorate them is now.

[From the New Orleans Item of March 19, 1947]

AMERICA'S GREAT OPPORTUNITY

Just a year ago Soviet Russia threatened to overwhelm Iran; and out of that crisis developed the Byrnes policy of patience and firmness. By and large, it has been a good policy; but not good enough.

Today in Greece we have Iran all over again. Mr. Byrnes is gone, but President Truman and Secretary Marshall are holding fast and firm. The President has met the challenge of Russia, and there is little doubt that America will now come to the aid of Greece. So far so good; but still not good enough.

The plain truth is that, in a positive sense, America does not have a foreign policy, at least where Russia and Europe are concerned. Our policy, such as it is, springs not from action, but reaction. Since the end of the war we have waited for Russia to punch, and then (sometimes) we counterpunch. Our counterpunching, especially in the last year, has been effective, but in the long run it won't be effective enough.

In the reorganization of Europe we have been at a constant disadvantage because Russia knows what it wants and we don't. By assimilation, by puppet governments, by Communist Party collaboration, and other means, Russia is apparently bent on domination of the European continent.

Having no sovereign European plan of its own, the United States has been forced on the defensive. Our policy really consists of merely opposing Russian expansion. That certainly is better than acquiescing, but it still is negative. It offers no permanent relief. Even as a temporary expedient it has not been too successful.

When Russia calls the roll, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Bessarabia, Latvia, Estonia, and Lithuania answer. All have been lost to the ranks of democracy; and perhaps more are to follow. The struggle for Germany and Austria is now going on at Moscow. Italy and France are breathing under the oxygen tent of American dollars. Now Greece calls for artificial respiration. And we are driven to the humiliating expedient of backing Franco for fear Spain, too, will fall into the Soviet orbit.

The United States is failing in Europe; and it is failing because it hasn't a practical, long-range program for the continent. Just as after the First World War, we are trying to patch Europe together again without any regard for economic and political unity. Two World Wars and many smaller ones have shown that a disunited Europe, composed of numerous competing nations, can never hope for peace or prosperity.

What would a dis-United States be like? Suppose America consisted of the nation of Pennsylvania with all the coal, of Montana with the copper, Texas with the gas and oil, the Great Lakes region with the ore and industries? Suppose our great States and regions were nations, each with armies and tariff barriers? Can anyone doubt that war and poverty would soon be America's lot, as it is Europe's?

UNITY ONE WAY—OR ANOTHER

Yet that is the way we are trying to reconstruct Europe. It is utterly hopeless and it won't work. Europe must be unified; there is no permanent alternative. Eastern Europe already is being rapidly unified by Russia; and if western Europe is not soon united by a democratic federation it, too, may find unity through totalitarianism.

The United Nations is not the answer to this problem. A United States of Europe could become a great and wonderful new force within the UN, as the United States of America is, but there is little that the UN can now do to solve the economic and political anarchy of present-day Europe. The noble task of welding western Europe into a new democratic power can only be accomplished by the nations at interest, with the support and encouragement of the United States of America.

As the foreign secretaries debate the German peace treaty at Moscow, it is quite clear that the German problem cannot be solved until we have solved the problem of Europe. The world is divided over whether Germany shall be made strong or weak. All Europe would benefit economically from a strong and highly productive Reich, but a vigorous Germany might again become a military threat to its neighbors. That is the dilemma at the Moscow Conference. But if Germany became a part of a United States of Europe, there would be no such problem. With fear of aggression abandoned, all hands would set about restoring German industry as fast as possible.

NOT AN IDLE DREAM

A federated Europe may once have seemed an idle dream, but today it is idle to dream of any other solution. It goes without saying that to rescue Europe by federation will be difficult, but to save it without federation is impossible. The nations of western Europe have now reached the same crisis that once faced the 13 Original American States—they can hang together or hang separately.

There is nothing new or novel about this solution. George Washington once wrote to General Lafayette: "We have sowed seeds of liberty and union that will spring up everywhere on earth. One day, taking its pattern from the United States, there will be founded the United States of Europe." And this vision is even now shared by most of the democratic leaders of the world.

Winston Churchill, who is no utopian, is presently championing a united Europe with all of his energy. Recently General Smuts and John Foster Dulles spoke up for federation. President Truman is sympathetic to the idea and Prime Minister Attlee is the author of "Europe must federate or perish." Leon Blum and Edouard Herriot have long been advocates of federation; and it is no secret that de Gaulle leans in the same direction.

Count Coudenhove-Kalergi, the famous spokesman for European federation, is now polling 3,913 members of European parliaments on the establishment of a European federation within the framework of the UN. So far he has received 624 replies and only 12 were against the plan. Among the 86 members of the French assembly who answered "Yes" are Vincent Auriol, now president of the Republic; Vice Premier Henri Teitgen; War Minister Paul Coste-Floret; Maurice Schumann, founder of the M. R. P.; and Rene Capitant, leader of the de Gaullist Union.

THEY ANSWERED "YES"

Of the 107 members of the British Parliament who voted for federation, 64 belonged to the Labor Party and 34 to the Conservative group. One third of all members of Italy's national assembly voted for the plan, including cabinet members and party leaders. The

Greek proponents number three party leaders and former prime ministers. Belgium, Luxemburg, and the Netherlands are already trying to create a customs-union in the heart of western Europe. Count Coudenhove-Kalergi believes that if a fair plebescite were held tomorrow on the issue of federation, men and women of all parties and nations would vote overwhelmingly for union.

Doubtless Russia would oppose such a solution. A divided Europe is a pushover for Russia; a united Europe would bring into being a great and self-sustaining new democratic power. The Russians would no doubt accuse us of organizing a new bulwark against communism. Thus there might be some friction at first. But how about the friction that exists now? If Europe remains helplessly divided, and Russia and America continue to battle month by month over one and then another European nation, we may have something worse than friction. A wise Russia would not oppose a united Europe, for what's good for Europe is finally good for Russia, too. After all, the Kremlin has a stake in peace, and the best hope for that is a stable, integrated Europe.

American dollar transfusions may save some of the European nations temporarily, but finally we will have to abandon Europe or help organize it into a healthy new unit capable of looking out for itself. There is not much time to lose, and the time for federation was never so ripe. Postwar Europe is still in a fluid state; its millions of citizens desperately need a new hope; the political climate is favorable; and, above all, the democratic world is looking to the United States of America for vision.

Perhaps in spite of all the good omens this dream won't come true, but it is worth all the trying we have in us. It can't be tried at all without our leading the way. At this point only America has the means and the power to launch the idea, to encourage and influence its growth, and sustain it to maturity.

SOMETHING TO STRIVE FOR

It will be costly, but not as costly as our present policy. It will be discouraging, especially at first, but not as discouraging as what is happening now. And if we should ultimately succeed we will have accomplished one of the great undertakings of mankind.

Whenever a government radically alters its foreign policy and embarks on an enterprise of great magnitude it needs the support of the people. It is unlikely that the present administration would adopt the objective of a United States of Europe without a mandate from the public. Therefore, we would like to see a resolution introduced in Congress which would commit the Government to this noble undertaking. We hazard the guess that such a resolution would receive tremendous support and kindle the hopes of all democratic peoples.

The resolution need not be long. As with the now historic Fulbright resolution, one sentence would be enough. For example, *"Resolved by the House of Representatives (the Senate concurring)*, That the Congress hereby expresses itself as favoring the creation of a United States of Europe, within the framework of the United Nations."

Just 100 years ago the great French writer, Victor Hugo, prophesied: "The day will come when these two huge unions, the United States of America and the United States of Europe, will face and greet each other across the Atlantic. When they will exchange their goods, their commerce, their industry, their art, and their genius to civilize the globe, to fertilize deserts, to improve creation under the eyes of the Creator. And to assure the greatest benefit for all by combining these infinite forces: the brotherhood of man and the might of God."

[From the New Orleans Item of March 20, 1947]

FEDERATED EUROPE PROPOSAL PRAISED

The Item's page 1 editorial yesterday advocating a democratic federation of nations in Europe—a "United States of Europe"—as the best possible means of maintaining the peace, met with favorable response in New Orleans.

Many letters and telephone calls came to the editor's desk expressing unsolicited agreement with the Item's program.

In addition the Item asked representative citizens of the State to express their opinion on the subject. A cross section of opinion is printed below:

Former Gov. Sam H. Jones: "Your editorial 'America's Great Opportunity,' is the most powerful argument for a 'United States of Europe' I have read. At the same time it gives a clear picture of our present inadequate foreign policy, particularly as respects Russia and Europe.

"The editorial's most potent quality, however, is the feeling one has when he finishes the reading—the feeling which says 'Why don't we do something about it?' "

Dr. Thornton Terhune, head of the department of history, College of arts and Sciences, Tulane University, and authority on European history: "I am in enthusiastic agreement with every word of the editorial entitled 'America's Great Opportunity.'

"An on-the-scene study of the suicidal course which European affairs, political, and economic, have been taking for the past 20 years has led me to have one positive conviction concerning the future of Western Europe.

"That conviction is simply this: It may still be possible to save western Europe, but nothing can save the individual western European nations as such.

"It seems to me, after careful study of the editorial, that both the essence and point of its message are to be found in one particular sentence, the one wherein you state: 'It goes without saying that to rescue by federation will be difficult, but to save it without federation is impossible.'

"You are absolutely right. And there will be many who will say: 'Yes, but can western Europe be saved even by federation?' This I would answer by telling a little story:

"I once knew an elderly and seasoned physician of the old-fashioned family-doctor type who was rather given to positive expression when irked by what seemed to him a lack of intelligence. One of his charges, a well-intentioned but none too brilliant creature, had the misfortune to suffer a ruptured appendix, whereupon the physician recommended an immediate operation.

" 'But, Doctor,' said the nervous patient, 'if they operate will you promise that I'll get well?'

" 'Hell, no,' he answered, 'but you're gonna die if they don't.'

"The analogy needs no amplification."

John Hall Jacobs, city librarian: "I extend my congratulations on your excellent statement of a plan which seems to be the best, in my opinion, that has been considered.

"It was a clear and helpful summary of the situation and as an editorial is in a class with the finest ones I have read.

"I agree wholeheartedly, with minor reservations, with this expression of our need for a program in relation to a permanent solution of the European situation."

The Reverend Thomas J. Shields, president of Loyola University: "The editorial 'America's Great Opportunity,' was very appropriate and very fine. After all, the human race is really one race, so why do we have to be so utterly separate and apart from each other, always fighting and quarreling?"

Archbishop Joseph Francis Rummell: "Undoubtedly the plan outlined in the Item editorial, on the formation of a United States of Europe, represents very progressive thinking and an idealism that is worthy of serious consideration.

"However, it is hardly fair to compare the merging of the Thirteen Colonies into the United States of America with the merging of the European nations into one united nation. In the first, there was uniformity of origin and language, for most of the colonists were of English origin.

"Also, there was a common ambition—namely, to be separated from the domination of the mother country and to breathe the air of freedom in a new atmosphere.

"In Europe there are centuries of tradition, with differences of nationality, language, custom and rivalries, all of which are still evident even in the midst of the modern crisis. Nevertheless, the ideal must some time be attempted, notwithstanding the evident difficulties.

"It is significant that 150 years have elapsed since Washington expressed the idea of a United States of Europe on the American pattern and 100 years have passed since Victor Hugo gave expression to the same idea; and yet, there has not been even an approach to such a unification.

"However, we must not despair. Certainly a United States of Europe is worth a trial and may prove the alternative of quarreling, rivalries and possibly new wars with which we are confronted, notwithstanding all the sacrifice and punishment of the recent World Wars.

"Let us hope that idealism will prevail once again, as it did in the formation of the United States of America."

Walter Williams, radio commentator: "I think America's Great Opportunity was one of the finest editorials I have ever had the pleasure of reading.

"I am enthusiastic about the plan advocated, which looks to me like the most practical solution yet offered for the problems of Europe.

"Such a federation of European nations could well save American lives and dollars. I am wholeheartedly in favor of it."

Ben J. Williams, cotton exporter: "In my opinion your editorial was outstandingly forceful, logical, and timely.

"You have pointed out the only course to be followed if world chaos is to be avoided and an enduring peace secured.

"I hope your contribution to the cause of sound thought, offered now while there is less freedom from fear and from want than ever, will receive world-wide attention.

"I suggest it be sent with the editor's personal letter of transmittal to a large number of important individuals in circles where our destiny is up for decision."

ADJOURNMENT

Mr. HALLECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 58 minutes p. m.), under its previous order, the House adjourned until Monday, March 24, 1947, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

475. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of a proposed bill to amend section 2 of an act entitled "An act to provide for the establishment of a probation system in the United States courts, except in the District of Columbia," approved

March 4, 1925, as amended (18 U. S. C. 725); to the Committee on the Judiciary.

476. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of a proposed bill to provide for the setting aside of convictions of Federal offenders who have been placed on probation and have fully complied with the conditions of their probation; to the Committee on the Judiciary.

477. A letter from the Acting Attorney General, transmitting a draft of a proposed bill to provide for the payment of the sum of $92 to Carl W. Sundstrom; to the Committee on the Judiciary.

478. A letter from the Librarian of Congress, transmitting the report of the Library of Congress Planning Committee, dated March 12, 1947; to the Committee on House Administration.

479. A letter from the President, United States Civil Service Commission, transmitting a draft of a proposed bill to amend the act entitled "An act to provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service," approved November 21, 1944; to the Committee on Post Office and Civil Service.

480. A letter from the Comptroller General of the United States, transmitting a report on the audit of United States Housing Corporation for the fiscal year ended June 30, 1945 (H. Doc. No. 178); to the Committee on Expenditures in the Executive Departments and ordered to be printed.

481. A communication from the President of the United States, transmitting revised estimates of appropriation for the fiscal year 1947 amounting to a decrease of $3,434,200 for the Department of Commerce (H. Doc. No. 179); to the Committee on Appropriations and ordered to be printed.

482. A communication from the President of the United States, transmitting a deficiency estimate of appropriation for the fiscal year 1944 in the amount of $2,065.51 for the Securities and Exchange Commission (H. Doc. No. 180); to the Committee on Appropriations and ordered to be printed.

483. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1948 in the amount of $50,000 for the Smithsonian Institution (H. Doc. No. 181); to the Committee on Appropriations and ordered to be printed.

484. A communication from the President of the United States, transmitting a report prepared by the American Red Cross reflecting all foreign war relief operations which have been conducted since July 1, 1940; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KEEFE: Committee on Appropriations. H. R. 2700. A bill making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1948, and for other purposes; without amendment (Rept. No. 178). Referred to the Committee of the Whole House on the State of the Union.

Mr. TABER: Committee on Appropriations. House Joint Resolution 154. Joint resolution making an appropriation for expenses incident to the control and eradication of foot-and-mouth disease and rinderpest; without amendment (Rept. No. 179). Referred to the Committee of the Whole House on the State of the Union.

Mrs. ST. GEORGE: Committee on Post Office and Civil Service submits a supplemental report on H. R. 1350, a bill to amend the act entitled "An act to establish a National Archives of the United States Government, and for other purposes" (Rept. No. 44, pt. 2). Referred to the Committee of the Whole House on the State of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Foreign Affairs was discharged from the consideration of the bill (H. R. 1000) creating a commission to examine and render final decisions on all claims by American nationals who were members of the armed forces of the United States and who were prisoners of war of Germany, Italy, or Japan, for payment of its awards, and for other purposes, and the same was referred to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KEEFE:

H. R. 2700. A bill making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies for the fiscal year ending June 30, 1948, and for other purposes; to the Committee on Appropriations.

By Mr. BARRETT:

H. R. 2701. A bill to amend the Carey Act with respect to leasing, for grazing or for oil or gas development, unsettled and unreclaimed portions of land; to the Committee on Public Lands.

By Mr. BEALL:

H. R. 2702. A bill to permit members of the Metropolitan Police Department of the District of Columbia, the United States Park Police force, the White House Police force, and the Fire Department of the District of Columbia for the purpose of determining eligibility for certain benefits of relief and retirement to receive credit for honorable military or naval service; to the Committee on the District of Columbia.

By Mr. BOGGS of Louisiana:

H. R. 2703. A bill to enable veterans who are civil-service employees to take advantage of the Servicemen's Readjustment Act of 1944; to the Committee on Post Office and Civil Service.

By Mr. CURTIS:

H. R. 2704. A bill to amend chapter 29 of the Internal Revenue Code; to the Committee on Ways and Means.

By Mr. FULLER:

H. R. 2705. A bill to provide for the conveyance of the Fort Ontario Military Reservation, N. Y., to the State of New York; to the Committee on Armed Services.

By Mr. GATHINGS:

H. R. 2706. A bill to require the Administrator of the Farmers' Home Administration to execute and deliver to present owners of real property quitclaim deeds to the interest in the minerals in or under such property reserved by the United States pursuant to the Bankhead-Jones Farm Tenant Act in those cases in which such interest has only a nominal value; to the Committee on Agriculture.

By Mr. HEDRICK:

H. R. 2707. A bill to provide direct Federal old-age assistance at the rate of $65 per month to needy citizens 55 years of age or over; to the Committee on Ways and Means.

By Mr. LANE:

H. R. 2708. A bill to provide for the establishment of a United States Foreign Service Academy; to the Committee on Foreign Affairs.

By Mr. HARRIS:

H. R. 2709. A bill to amend section 4 of the Rural Electrification Act of 1936, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. MILLS:

H. R. 2710. A bill to amend the Federal Farm Mortgage Corporation Act to provide a secondary market for farm loans made under the Servicemen's Readjustment Act of 1944, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. BOGGS of Louisiana:

H. R. 2711. A bill to provide that the Legislative Reference Service shall compile and make available the voting records of the Members of Congress; to the Committee on House Administration.

By Mr. PACE:

H. R. 2712. A bill to extend the time within which applications for benefits under the World War Adjusted Compensation Act may be filed; to the Committee on Ways and Means.

By Mrs. ROGERS of Massachusetts (by request):

H. R. 2713. A bill to encourage employment of veterans with pensionable or compensable service-connected disabilities through Federal reimbursement to any employer, insurer, or fund, of amounts of workmen's compensation paid on account of disability or death arising out of such employment; to the Committee on Veterans' Affairs.

H. R. 2714. A bill to provide for a statutory award of $10 per month to any war veteran who was wounded, gassed, injured, or disabled by an instrumentality of war in a zone of hostilities, and for other purposes; to the Committee on Veterans' Affairs.

H. R. 2715. A bill to amend the World War Veterans' Act, 1924, as amended, to provide continuation of insurance benefits (under certain conditions) to persons permanently and totally disabled, and for other purposes; to the Committee on Veterans' Affairs.

H. R. 2716. A bill to provide increases of compensation for veterans of World War I and World War II with service-connected disabilities, who have dependents; to the Committee on Veterans' Affairs.

By Mrs. BOLTON:

H. R. 2717. A bill to amend section 301 of the Federal Food, Drug, and Cosmetic Act, so as to prohibit the introduction into interstate commerce of salt, for table use, not having a required content of iodides; to the Committee on Interstate and Foreign Commerce.

By Mr. GOODWIN:

H. R. 2718. A bill to amend section 811 (c) of the Internal Revenue Code with respect to the inclusion in the gross estate for the purposes of the estate tax of certain transfers taking effect at death; to the Committee on Ways and Means.

By Mr. REED of Illinois:

H. R. 2719. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act; to the Committee on the Judiciary.

By Mr. SCHWABE of Oklahoma:

H. R. 2720. A bill granting exemption from income tax in the case of retirement pensions and annuities of governmental employees; to the Committee on Ways and Means.

By Mr. AUGUST H. ANDRESEN:

H. R. 2721. A bill to amend the act of March 10, 1934, entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes," as amended by the act approved August 14, 1946; to the Committee on Merchant Marine and Fisheries.

By Mr. KEE:

H. R. 2722. A bill to eliminate the requirement that a veteran pursuing a course of education or training under the Servicemen's Readjustment Act of 1944 must satisfy the Administrator of Veterans' Affairs as to his reasons for making a change in such course; to the Committee on Veterans' Affairs.

By Mr. MILLER of Connecticut:

H. R. 2723. A bill to incorporate the Jewish War Veterans of the United States of America; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H. R. 2724. A bill to provide for recognition of the State of Florida as a community-property State for Federal income-tax purposes; to the Committee on Ways and Means.

By Mr. ENGLE of California:

H. R. 2725. A bill creating a Commission on Federal Contributions to States and Local Governments by reason of Federal ownership of real property; to the Committee on Public Lands.

H. R. 2726. A bill authorizing annual payments to States, Territories, and insular governments, for the benefit of their local political subdivisions, based on the fair value of the national-forest lands situated therein, and for other purposes; to the Committee on Public Lands.

By Mr. BOGGS of Louisiana:

H. Con. Res. 34. Concurrent resolution favoring the creation of a United States of Europe within the framework of the United Nations; to the Committee on Foreign Affairs.

By Mr. COLMER:

H. Con. Res. 35. Concurrent resolution providing for the printing of additional copies of House Report No. 541, Seventy-ninth Congress; House Report No. 1205, Seventy-ninth Congress; and House Report No. 2729, Seventy-ninth Congress; to the Committee on House Administration.

By Mr. KEARNEY:

H. Res. 159. Resolution making H. R. 246 a special order of business; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of New Mexico, memorializing the President and the Congress of the United States to make national service life insurance available to all Pacific island veterans; to the Committee on Veterans' Affairs.

Also, memorial of the Legislature of the State of North Dakota, memorializing the President and the Congress of the United States to enact legislation barring all forms of liquor advertising from interstate mails, from radio and motion-picture programs; to the Committee on Public Lands.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DIRKSEN:

H. R. 2727. A bill for the relief of Illinois Packing Co., of Chicago, Ill.; to the Committee on the Judiciary.

By Mr. JENSEN:

H. R. 2728. A bill for the relief of Darwin Slump; to the Committee on the Judiciary.

By Mr. O'TOOLE:

H. R. 2729. A bill for the relief of the legal guardian of Rose Mary Ammirato, a minor; to the Committee on the Judiciary.

By Mr. REES:

H. R. 2730. A bill for the relief of Joseph A. Curry; to the Committee on the Judiciary.

By Mr. RIVERS:

H. R. 2731. A bill for the relief of Gustave A. Lohse; to the Committee on the Judiciary.

By Mr. SCOBLICK:

H. R. 2732. A bill for the relief of Dennis Stanton; to the Committee on the Judiciary.

By Mr. SMITH of Kansas:

H. R. 2733. A bill for the relief of Andrew W. Peterson; to the Committee on the Judiciary.

By Mr. TIBBOTT:

H. R. 2734. A bill for the relief of Joseph M. Henry; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

238. By Mr. KEATING: Petition protesting against the discontinuance of rent control and urging the continuance of sugar control; to the Committee on Banking and Currency.

239. By Mr. SCRIVNER: Petition of citizens of Redfield, Kans., urging support for legislation to prohibit the transportation in interstate commerce of alcoholic-beverage advertising, and the broadcasting of alcoholic-beverage advertising over the radio; to the Committee on Interstate and Foreign Commerce.

240. By Mr. SMITH of Wisconsin: Resolutions adopted by the Sheet Metal Contractors National Association board of directors meeting held recently, requesting removal of all priorities and directives that are holding back the peacetime production of necessary material for construction of all kinds; to the Committee on Banking and Currency.

241. By Mr. TIBBOTT: Petition of a number of veterans from Cambria County, Pa.: (1) To permit immediate cash payments for unused leave, (2) to provide for increased subsistence payments under the GI bill of rights, (3) to lift the on-the-job wage ceilings; to the Committee on Veterans' Affairs.

SENATE

MONDAY, MARCH 24, 1947

The Chaplain, Rev. Peter Marshall, D. D., offered the following prayer:

Lord God of hosts, Thou who art concerned about two billions of Thy creatures all over the earth, and yet who art as concerned about each of us here as if we were an only child, Thou dost understand how hard it is for these Thy servants to keep in mind the millions of their fellow citizens for whom they must legislate. Thou knowest the clamor of voices in their ears, the constant tugging at their sleeves, forever trying to influence them; the small voices of the little men without money or names; the blatant voices of aggressive pressure groups; the big voices of selfish men and those working for personal gain, even the whispering inner voices of personal ambition, those insinuating voices holding out the lure of unmerited reward. Amid all the din of voices, give these Thy servants the willingness to take time to listen to Thy voice, knowing that if they follow the still small voice within, all Thy people will be served fairly, and all groups will get what they deserve. For Jesus' sake. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The Chief Clerk read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., March 24, 1947.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. WILLIAM F. KNOWLAND, a Senator from the State of California, to perform the duties of the Chair during my absence.

A. H. VANDENBERG,
President pro tempore.

Mr. KNOWLAND thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. WHITE, and by unanimous consent, the reading of the Journal of the proceedings of Friday, March 21, 1947, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the following joint resolutions, in which it requested the concurrence of the Senate:

H. J. Res. 146. Joint resolution to extend the powers and authorities under certain statutes with respect to the distribution and pricing of sugar, and for other purposes; and

H. J. Res. 154. Joint resolution making an appropriation for expenses incident to the control and eradication of foot-and-mouth disease and rinderpest.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 27) proposing an amendment to the Constitution of the United States relating to the terms of office of the President, and it was signed by the Acting President pro tempore.

MEETING OF COMMITTEE ON FOREIGN RELATIONS

Mr. VANDENBERG. Mr. President, indicating the reason for the letter which was read a moment ago from the desk, I ask unanimous consent that the Committee on Foreign Relations be permitted to continue to sit this afternoon in its hearings in respect to the Greek-Turkish loan.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FINAL REPORT OF AMERICAN RED CROSS RELATING TO FOREIGN WAR RELIEF OPERATIONS

The ACTING PRESIDENT pro tempore laid before the Senate the following communication from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations:

THE WHITE HOUSE,
Washington, March 21, 1947.

THE PRESIDENT OF THE SENATE PRO TEMPORE.

SIR: I have the honor to transmit herewith the final report prepared by the American Red Cross reflecting all foreign war relief operations which have been conducted since July 1, 1940, from appropriations for foreign war relief.

The Congress originally made available $85,000,000 for assistance to war-stricken persons throughout the world. Subsequent legislation consolidated and extended the availability of all funds until June 30, 1945. The Second Deficiency Appropriation Act, 1945, continued $2,150,000 available until December 31, 1945, in order to provide for the termination of the program.

There is also transmitted herewith a statement of allocations made to Government purchasing agencies from this appropriation together with balances remaining unobligated in each allocation.

Respectfully yours,

HARRY S. TRUMAN.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated: